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ABSTRACT

Written for all American Indians and Alaska Natives, this guide is designed to provide information relative to the Native American's rights to food programs in Federal schools and in public schools subsidized by the Bureau of Indian Affairs (BIA). Aimed at stimulating Native Americans to assume a more active role in the development and assessment of these food programs, this handbook presents the following information: (1) Food Programs in Schools and Dormitories Operated by the BIA (number of federally recognized Indian children of school age; different kinds of BIA schools; BIA nutrition responsibilities; unknown nutritional status of "other" Indian children; BIA boarding schools, dormitories, and day schools; general food policy issues--tests, monitoring, and surplus foods); (2) Food Programs in Public Schools Funded by Authority of the Johnson O'Malley Act (JOM), (Indian children covered; service standards vs JOM regulations; parent costs; definitions of selected federally funded food programs; BIA regulation needs for administration of JOM lunch monies; BIA responsibility for Indian children in JOM funded schools; inequities in JOM fund administration; unaggressive use of JOM funding device; findings of the U.S. Commission on Civil Rights' survey of JOM schools; the School Breakfast Program; phasing out JOM funding; policy considerations). (JC)

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A Guide

to the

Rights of the American Indian to Food Programs

In Federal schools for American Indian children and In public schools subsidized by the Bureau of Indian Affairs

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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INTRODUCTION

This guide is written for all American Indians[1] and other concerned persons. It is aimed at providing information about Indians' rights in the federal and federally assisted food programs in schools. It covers the food programs in the federal boarding and day schools and dormitories run by the Bureau of Indian Affairs of the U.S. Department of the Interior; it also covers the child nutrition programs in the public schools funded by the BIA.[2]

This guide is written in the belief that citizen participation--in this case by America's first residents--is essential to the integrity, effectiveness and success of programs aimed at helping the poor or disadvantaged. If they are to participate in the decision making process, American Indians must know what their rights are, what the available programs are, and such specifics as: eligibility requirements; guidelines used by administrators; and available remedies if an applicant is disqualified or when participants believe the benefits of a program are not reaching them. That

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1/ For convenience, the shorter term "American Indian" is used to cover, unless otherwise indicated, the American Indian, the Eskimo and the Aleut.

2/ The Appendix includes an outline of all food (and nutrition) programs sponsored or carried on by the Federal Government directly or through public or private agencies.

information will be found in the body of this guide as well as suggestions for program changes which concerned Indians might consider bringing to the attention of program administrators.

It is hoped that this information will prove useful to those American Indians living on or off federal or state reservations and those who belong (and those who do not) to a tribe with which the Federal Government has a special relationship. The aim, here, is to deal with the problems of the individual rather than the tribe and with problems affecting a significant number of American Indians.

It is hoped that this guide will assist American Indians in viewing the present structure and functions in this programmatic area with a critical eye and in reassessing the adequacy of their organized efforts for achieving the goals they deem to be most desirable for the Indian people.

While critical in some specific areas, this guide is not an attack upon the Bureau of Indian Affairs.[3/] Rather, it is hoped that the guide will be useful in supporting an active tole by the American Indian. And this is consistent with President Nixon's position, as stated in his message of July 8, 1970:

> It is long past time that the Indian policies of the Federal Government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

3/ It is widely recognized that the American Indian holds mixed feelings toward the BIA. This feeling was summarized in Our Brother's Keeper: The Indian in White America (edited by Edgar S. Cahn of the Citizens' Advocate Center and published by the New Community Press, Washington, 1969):

> He fears, criticizes and attacks this pervasive governmental system ostensibly designed to serve him. Yet, in the absence of any genuine alternative, the Indian vehemently opposes any effort to dismantle, or even tinker with that system.

If the American Indian's feelings toward the BIA have been ambivalent, the policies of the United States Government could hardly be called steady or consistent. There is no need to recite here the unkept promises or broken treaties, the denials of civil rights and civil liberties, the failure to provide adequate housing, education, employment opportunities, or economic development programs.

Who is an Indian?

More than 800,000 citizens in the United States identify themselves as Indians, Eskimos and Aleuts. About 500,000 of them live on or adjacent to federal reservations. There are federal reservations in 25 States. Many non-Indians live within the boundaries of these reservations who do not have a special relationship to the Federal Government and therefore are not eligible for federal programs for Indians.

The 500,000 are those Indians who are eligible for services from the Bureau of Indian Affairs, sometimes referred to as "federally recognized" Indians. Generally, such Indians are members of tribes with federal trust land, who are one-fourth or more Indian,[4/] and who live on or near Federal reservations. This definition was decided upon by the Bureau of Indian Affairs and is more restrictive than the definition appearing in the statute which provides the BIA with its responsibilities toward Indians. This matter is discussed in greater detail in Section 1. The term "federal trust land" refers to real property which

4/ The language regularly used by the BIA in its regulations and instructions is "one-fourth or more degree of Indian blood." Reference to "degree of Indian blood" appears to the Commission on Civil Rights to be not only physiologically incorrect, but offensive as well, ~~in this day and age.~~ For these reasons, in this handbook, the language "one-fourth or more Indian," is substituted, except in quoted material. ~~Although not completely satisfactory, the substitute language is less offensive.~~

belongs to any Indian or Indian trite, band or community that is held in trust by the United States or is subject to a restriction imposed by the Federal Government against transfer of title.

There are some significant exceptions to this definition of federally recognized Indians. In Oklahoma, the area to which BIA responsibility applies is composed of former reservations, there no longer being any federal reservations in Oklahoma with the exception of the Osage tribal area. Oklahoma has the largest non-reservation Indian population have any State.

Special legislation governs eligibility for services from the BIA in Alaska. In addition to American Indians, Alaskan Natives are included, namely, Aleuts and Eskimos; very few of whom live on reservations.

Cherokee children, less than one-quarter Indian, who are enrolled in the tribe, may attend BIA schools.

A unique situation prevails in California where Indians, though living on or adjacent to reservations (and "rancherias,"[6/] which are also held in protective trust by the Federal Government) have not been eligible since 1955. In that year federal services, other than education, to California Indians were terminated; education

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6/ A rancheria is defined as:

> a homesite which was acquired by special purchase for "homeless Indians of California." Rancheria is often included under the general category of reservation as a special category of land set aside for Indian occupancy and use only. One important difference between a reservation and a rancheria is the generally smaller and poorer quality of land found in the latter....

See, Progress Report to the Governor and the Legislature /of California/ by the State Advisory Commission on Indian Affairs on Indians in Rural and Reservation Areas, February 1966, page 18.

was terminated in 1958. Although termination of services was supposed to be accompanied by termination of federal administration of trust land, this did not in fact occur. Less than one percent of the total of trust acreage was terminated. Thus, while there are Indians in California living on or adjacent to federal reservations or "rancherias," they are not eligible for federal services for Indians.[7/]

7/ California Indians face a unique problem: they have been charged for federal services. According to Our Brother's Keeper (p. 4):

> Indians in California are reluctant to take part in federal poverty programs for fear they later will be billed for the cost of the programs. Their fear is justified. Over the past two decades they have been repeatedly charged for federal expenditures in California relating to Indians during the 19th century....To this day, the California Indian Legal Services Program financed by the Office of Economic Opportunity has been unable to secure a guarantee from the Government that legal services which it provides to Indians will not be billed to them in the future.

California Indians of the lower Colorado Valley and the Quechan Indians of Ft. Yuma, unlike their brothers, are eligible for federal programs for Indians.

The remaining number of American Indians--over 300,000 non-federally recognized--live off the federal reservations and the other areas previously described. They are individuals who report themselves as American Indians to U.S. Census enumerators or who are so regarded in their communities. Some authorities believe that this estimate is far too small and that the true figure more closely approaches the number living on reservations and may even exceed it. In any event, these more-than 300,000 live on state reservations, in rural non-reservation areas, in towns and cities throughout the nation and are of significant numbers in some twenty states. They have no official connection with the Federal Government and generally receive no services as American Indians as do those on reservations.

The State of Health of American Indians

Too little is known about the state of health of American Indians. There has been no comprehensive, nationwide survey of their nutritional status. Only bits and pieces of information are available, but if this incomplete picture is indicative of the larger pattern, the situation is shocking and shameful. Responsibility for raising the health level of American Indians to that of the general population does not rest with the BIA, but rather, with the Division of Indian Health[8/] of the U.S. Public Health Service.

Serious malnutrition has been found among the Indians in the Southwest and among certain Indian and Eskimo groups in Alaska. Dr. Jean Mayer, Professor of Nutrition at Harvard and Chairman of the National Council on Hunger and Malnutrition in the U.S., has described their health and nutritional status as poor, even precarious.

8/ Subsequently renamed Indian Health Service.

Wilbur J. Cohen, former Secretary of Health, Education and Welfare stated that there is disturbing evidence of clinical malnutrition among young Indian children being admitted to hospitals, according to information collected by the Division of Indian Health. The significance of this evidence of clinical malnutrition can be better understood when one considers the statement of Dr. Arnold E. Schaefer, Chief, Nutrition Program of the Public Health Service, that even in developing areas of the world--such as Latin America, Asia and Africa--severe cases of malnutrition are not common.

Two diseases are associated with malnutrition, kwashiorkor and marasmus. The former is a severe protein and multiple nutrient deficiency; the latter is primarily a caloric deficiency. The Tuba City Hospital in Arizona, a Public Health Service facility serving reservation Indians, reported 13 cases of marasmus in children under one year of age and 18 cases of kwashiorkor in children of four years or less during the period of July 1, 1967 to April 30, 1968.[9/] The Division of Indian Health related this finding to the low income of many Indian families:

> The Bureau of Indian Affairs reports that the average annual income for a typical reservation family (5 to 6 members) is between $1,500 and $1,700...
>
> It is virtually impossible for families with incomes at this level to have nutritionally adequate diets without substantial supplementation of what their limited financial resources will provide.

9/ Dr. Taylor McKenzie, the grandson of a medicine man and the first Navajo to graduate from medical school, who was Chief Surgeon at the Indian Health Service Hospital in Tuba City, Arizona, stated in 1967 that malnutrition was a principal medical problem he encountered on the reservation.

Severe malnutrition, as reflected in kwashiorkor, marasmus and other grave vitamin deficiencies, occurs among several Indian groups, particularly among Navajos and other Arizona tribes. Health authorities have determined that severe malnutrition of this sort retards the physical and mental development of children and stunts their intellectual growth, their learning capacity and their physical capabilities. The correction of one's diet at a later time in life cannot undo the damage done in childhood.

Following a 1968-69 nutrition survey, of the Lower Greasewood Chapter of the Navajo Tribe, the Division of Indian Health concluded:

> The slower rate of growth and maturation observed in Navajos than in middle-class U,S. whites may be due in part or almost wholly to differences in nutrition... /The slower/...growth rate may indeed be the crucial evidence of borderline malnutrition. The diet evaluation /based on the survey/ suggested that many of the study subjects had grossly inadequate food intakes which would be consistent with a dietary etiology /that is, cause/ of growth retardation....

Following extensive travels and on-site inspections, a Senate Special Subcommittee on Indian Education reported that it had:

> ...found severe problems of hunger and malnutrition among many of the Indians and Alaskan natives it visited. These problems result directly in poor Indian performance in the classroom.

The rate of infant mortality--that is, number of deaths under one year of age per 1,000 live births--is regarded by authorities as a measure of the health and nutrition of the population. In 16 predominantly rural counties located in 8 States in which Indians represent a substantial proportion of the county population, the rates of infant mortality during 1961-1965 were between 2 and, in some cases, nearly 4 times as high as the national average of 25.1 per 1,000. The life expectancy of Indians on reservations is about 15 years less than the national average.

In the summer of 1969 the then President and President-elect of the American Public Health Association undertook an examination of health conditions in the United States. Six typical places were selected and visited. Among these were the homes of off-reservation Indians in Great Falls, Montana. The state of health of these Indians, the officials found, was deplorable. This condition was associated, in part, with their poverty and the conditions of their lives. "We recall with pain," these officials said in their report:

> A 53 year-old American Indian in Great Falls, Montana, veteran of the South Pacific in World War II, raising a family of six children (and one grandchild, whose father is now in Vietnam) on a pension and what he can scrounge by salvage in a junk yard. He can neither afford to buy food stamps nor return to the hospital for post-cancer treatment--closure of his bowel, which now opens on his abdomen--because his family would not have food while he was gone.

Speaking of their tour in general, these officials state:

> As public health physicians we thought we knew pretty well the nature and extent of.../health/ conditions /in the US/. But frankly, we were shocked, and are still reeling....
>
> The fact still remains that a large proportion of the...American Indians.../and also of Blacks, Mexican-Americans and others/ live day in and day out in conditions we would not let our animals endure...

SECTION 1

Food Program in Schools and Dormitories Operated by the Bureau of Indian Affairs

Six major points are developed in this Section:

1. The stated policy of the BIA, to provide balanced meals to Indian school children at BIA schools and dormitories, benefits only children meeting the criteria determined by the BIA. Although under federal law the BIA is directed to provide assistance to all Indians, BIA policy limits its services to those Indian children who are one-fourth or more Indian and who live on federal reservations.
2. There are some 20,000 Indian children of school age who meet the BIA criteria but who are known not to be in school or whose school status is unknown. Although formally the responsibility of the BIA, in fact, the extent to which their educational and associated nutritional needs are being met is not known.
3. Only a limited number of surveys have been made of the nutritional status of boarding school children. Based upon these limited surveys their nutritional status is apparently good. The number of federally recognized Indian children who are in this preferred status, however, is limited. Many of the students at these institutions are "problem" children, socially or educationally. Hence, relatively few "normal"

children receive the nutritional benefit from a BIA boarding school. The favorable nutritional impact which the boarding school is capable of having on Indian school children could be widened to good effect.

4. There has been a longstanding BIA instruction providing for appropriate consideration of Indian food customs and preferences in menus followed in boarding schools. There is evidence that violation of the instruction had occurred; the effective implementation of this instruction still needs to be accomplished.

5. Some years ago the BIA compared the amount it spent for food per child in BIA schools and dormitories with the minimum amount required, at current prices, to purchase the required nutrients. The average expenditure, especially in boarding schools per child per day, was found to be significantly below the recommended minimum. No such comparisons are currently applied by the BIA.

6. BIA schools and dormitories are eligible to receive surplus agricultural foods donated by the Department of Agriculture. However, surplus foods are frequently of a monotonous kind, they are subject to considerable irregularity as to their availability and they may be nutritionally inadequate, thus contributing to the difficulty of maintaining an adequate diet. Other needed food items must be purchased out of the budgets of the institutions concerned.

When each of these six points is discussed in the text that follows, the discussion is keyed to the number used above.

Number of federally recognized Indian children of school age

In the 1970 fiscal year there were 216,714 Indian children age 5-18 [10/] who were reported to the BIA and for whom the BIA recognized it had an educational responsibility. Included in this figure are children who were not in school and those whose educational status was not known.

Of the total of 216,714 children, 50,740 were enrolled in BIA schools, the largest part, some 35,000, being in boarding schools and the remainder in day schools; 129,048 children were enrolled in public schools with some funding by the BIA, including 4,043 living in BIA dormitories and attending public rather than BIA schools; 16,939 children attended other schools, primarily private or mission. The remaining children, 19,987 in number, include those who are known not to be in school and those whose status is unknown.

The aggregate of 216,714 does not refer to all Indian children in the age groups indicated, because children who were not federally-recognized Indians are excluded. A significant number of Indina children do not meet the BIA's criteria.

10/ A relatively small number of "children" over age 18 is also included.

Kinds of BIA schools

During the 1970 fiscal year the BIA operated 215 schools. These schools fall into two basic categories: 77 boarding schools and 138 day schools. The BIA also operates 19 dormitories, which are not schools as such, where Indian children live while attending a public, non-BIA operated school within commuting distance.[11/] Each of these categories is described in greater detail later in this Section.

1. Responsibility of BIA for nutritional status of Indian school children

The BIA has been given broad responsibility for the welfare of the Indian people by the Congress of the United States, a responsibility which encompasses their nutrition and health. In the Act of November 2, 1921, the BIA was given the responsibility, under the supervision of the Secretary of the Interior, to direct, supervise and expend monies appropriated by Congress

> ...for the benefit, care and assistance of the Indians throughout the United States for the following purposes:
>
> General support and civilization, including education.
>
> For relief of distress and conservation of health.

11/ Included among the 215 schools are one trailer school, a temporary educational facility, generally for Navajo children living in isolated parts of their reservation, and two hospital schools.

For industrial assistance and advancement and general administration of Indian property.

...[etc]...

In 1955 the health function was transferred to the Public Health Service when the Division of Indian Health was created. Within the school environment, however, activities which influence the health of the Indian child, such as food programs, remain the responsibility of the BIA.

The BIA has defined as its basic educational objective:

> ...to assure adequate educational opportunities for all Indian children of one-fourth or more degree of Indian blood within the continental United States and Alaska...

The Indian children to whom this objective applies are those who:

> reside within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs...

Thus, Indian children living off the reservation or trust land are defined as being outside the scope of the BIA responsibility.[12/]

The BIA recognizes that educational responsibility must not be too narrowly defined, that the educational needs of the child must be considered in the broader context of the factors that play upon his capability for absorbing the curriculum provided. The BIA states that:

12/ There are minor exceptions to the rule. Cherokee children who are less than one fourth Indian, who are enrolled in the tribe are eligible to attend BIA schools. Also non Indian children and Indian children who are not legally entitled under existing regulations to free enrollment, may be enrolled, under prescribed conditions and on payment of a tuition fee, in boarding school or in day school. Children who are one-fourth or more Indian who live near the reservation, not on it, may be permitted to attend on the payment of a fee if denial of enrollment would have a direct effect on BIA programs within the reservation. Children of Federal employees who are not Indian may be enrolled, under specified circumstances, in day schools or in boarding schools on a day basis.

> One of the biggest problems faced by many Indian people in reservation areas is that of inadequate or poorly balanced food supplies.... /I/t has become increasingly customary throughout the United States to provide a hot noon lunch for children in public schools. It is, therefore, the policy of the Bureau to provide a hot well-balanced meal at noon for all day school pupils....

Thus, recognition is given to the importance of adequate and nutritious food for the pupil in relation to the educational curriculum. Recognition is indicated also by this statement by the BIA:

> The value of food nutrition among children has been recognized in other federally supported nutrition programs. The Bureau's program is based on the same premise accepted in these programs: that providing well-balanced meals enhances learning and teaches correct nutritional habits while physically benefiting the children. In many locations Bureau schools provide the only real meal the children may have and at times it is the primary motivation for their remaining in school....

Research in recent years has established that inadequacies in food intake by the school child can create health handicaps which hamper his ability to develop and to learn.

The stated policy, to provide well-balanced meals at BIA schools, is directed to the Indian child who falls within the scope of BIA responsibility as determined by the BIA. This

is a narrowly-focussed definition which, in fact, appears to be inconsistent with the terms of the Act of November 2, 1921. The responsibilities, including education, placed upon the BIA by that Act, are drawn in terms of "the benefit, care and assistance of the Indians throughout the United States...." The Act itself does not limit BIA's responsibility to the reservation Indian child nor specify that the child must be one-fourth or more Indian.

While the BIA may delegate the performance of some portion of its responsibility to others, it continues to retain the responsibility for assuring that the task is carried out in an appropriate fashion. Nonetheless, while the 1921 Act has conferred upon the Indian child a statutory right to the assistance of the BIA with respect to his education and appropriate nutritional maintenance in school, the BIA has not accorded this statutory right to the non-reservation Indian child. Thus, the BIA has accepted only part of the responsibility imposed upon it by the Congress. The agency has

assumed the responsibility with respect to reservation Indian children attending BIA schools and subsidized public schools,[13/] but not with respect to non-reservation Indian school children.[14/]

13/ With respect to public schools subsidized by the BIA, as is pointed out more fully in Section 2, there are serious inadequacies in the manner in which this responsibility has been carried out.

14/ The Commissioner of Indian Affairs, in commenting on an earlier draft of this guide, stated that the eligibility criteria used by the Bureau were developed on the basis of authority given to the Secretary of the Interior to make and enforce rules and regulations for carrying out the basic law. The Commissioner stated further that the Bureau's resources have never been adequate to meet the demand that would flow from the interpretation set out in this guide. A purpose of this guide is to make known to the Indian people (a) the promise held out to them in the basic law with regard to the nutritional welfare of their children and (b) the performance. The promise in an ongoing statute ought not to be nullified, in whole or in part, by action of the Secretary or, for that matter, by the failure of the Congress of the United States to appropriate sufficient funds.

It should be noted that the Indian Helath Service, which also has responsibilities toward Indians, has defined its client group more liberally than has the BIA. The Indian Health Service does not use the concept of degree of Indian blood in its instructions. A person is within the scope of the Indian Health program if he is of Indian or Alaskan native descent as evidenced by one or more of the following factors:

> (1) Is regarded by the community in which he lives as an Indian or Alaskan native,
>
> (2) Is a member, enrolled or otherwise, of an Indian or Alaskan native tribe or group under federal supervision,
>
> (3) Resides on tax-exempt land or owns restricted property,
>
> (4) Actively participates in tribal affairs,
>
> (5) Any other reasonable factor indicative of Indian descent;...

Also, a person is within the scope of the program, if he is an Indian of Canadian or Mexican descent

> recognized by any Indian tribe or group as a member of an Indian community served by the Indian Health program;...

Furthermore, a dependent, whether or not Indian, of a person who qualifies under either of the above definitions is within the scope of the Indian Health program if he "resides in the household of such qualifying person."

Thus, one federal agency with statutory responsibilities toward Indians defines these clients in one way whereas another federal agency defines them differently and more restrictively. The burden of such unequal treatment falls upon the Indians concerned.

2. Unknown nutritional status of "other" Indian children of school age

It was indicated earlier that 12,052 Indian children, between the ages of 5 and 18 are known not to be in school and the educational status of an additional 7,935, is unknown. The total in these two categories is 19,987. Those not in school include children physically or mentally unfit or who are married or who are not in school for a variety of other reasons.

Even on the basis of its own restrictive definition, the educational responsibility of the BIA extends to the children in the first group, as does the associated responsibility for seeing to it that their nutritional needs are met. This raises the question as to whether the BIA's responsibility for the educational and nutritional condition of these 12,052 children is being carried out. Clearly, this responsibility does not lapse merely because the children are not in school. Similarly, the school status of some 8,000 children is not known. Here, too, the question is whether the educational and nutritional status of these children is consistent with the statutory responsibility of the BIA toward them.

BIA Boarding Schools

Boarding schools provide instruction at the elementary, high school and post high school level and may be located on or off a reservation. A small number of students at such schools are day students only, that is, they do not reside at the boarding school but attend the school on a day basis because they live within commuting distance. A large proportion of the children in boarding schools are Navajo children because few day schools, public or Federal, are available.

Navajo boarding schools - In view of the significant number of Navajo children in the boarding school program, it is pertinent to provide some specific details regarding the program in the Navajo area in Arizona, New Mexico, Colorado and Utah. This area has a Food Service Officer, the only one in BIA. In other areas, this responsibility is handled by BIA education personnel.

Meals are provided seven days a week in boarding schools. The children who attend on a day basis get only lunch and a snack during the school day. With respect to a typical weekly menu served children in Navajo boarding schools, the BIA states that:

> A menu of this kind provides 3,000 calories daily, including a protein content ranging from 15 to 18 percent. Substitutions to the basic menu have often been necessary in the light of budget limitations but we have attempted to maintain this caloric and protein content.

Favorable nutritional status of boarding school children - In the few instances where a survey was made of the nutritional status of boarding school children, the results were good.

In connection with the National Nutrition Survey, a pilot survey was completed in 1969 of one small area on the Navajo reservation at Lower Greasewood, Arizona. The relevant findings were these:

> School age children in this area had essentially no unacceptable levels for the blood and urine determinations which were employed in the survey. The good nutritional picture in this age group, as contrasted to findings from the state surveys, may be the result of the school feeding program at the boarding school in Lower Greasewood where many of the children lived and consumed all of their meals.
>
> The provision of a good diet and medical care are obviously responsible for the good nutritional status of children in the boarding school. 15/

15/ The findings for Indian adults in the same pilot survey were much less complimentary:

> The only population groups with high rates of unacceptable /protein/ serum levels were adults, particularly those over forty years of age. Low hemoglobin levels were present in about twenty percent of the forty and over population. Unacceptable serum vitamin C levels were found in about 18 percent of the same age group....

The staff of the Commission on Civil Rights made further inquiry about the survey because there appeared to be some inconsistency between the text of the report and the findings drawn from it. In the Lower Greasewood area there are children age 6-12 who attend a boarding school on a day basis only and, while at the school, receive lunch. There are also children who attend the high school boarding school on a full time basis. The latter group was absent from the area and was not examined. The former group, day students in the boarding school who return to their homes after school, were examined. These were the school age children whose nutritional status was found to be good.

A 1961 dietary intake survey, of the Starr Boarding School and the Browning School at the Blackfeet Indian Reservation in Montana, produced this finding:

> Without doubt the meals served are well-balanced and supply all essential nutrients in abundant amounts....Although some children appeared lean and perhaps somewhat under-nourished..., a marked improvement and weight gain would be expected to take place within the next month or so....

It cannot be assumed that the findings of the most recent of these two surveys (at Lower Greasewood) are necessarily representative of all boarding schools. It is sometimes argued that the needs and the problems of the American Indian have been "researched to death" and that what is required is more action and not more research. And yet, an important unanswered question is: Does the favorable nutritional status of children attending the school surveyed represent the situation in all boarding schools? The BIA should be pressed to supply this information.

Also relevant is a recommendation to the President from the 1969 White House Conference on Food, Nutrition, and Health that a feeding program should be focussed on the nutritional (as well as health) deficiencies of a specific target population and should be designed to correct those deficiencies. The point here is that a standard feeding program for all boarding schools

may be inadequate for some because the health deficiencies of Indian children vary from school to school and child to child.

3. Dealing with the nutritional needs of the Indian child - The Indian boarding school pupil is likely to be the "problem" Indian child--rather than the "normal" Indian child. This is easy to see by examining the seven educational and social criteria, one or more of which must be met for admission to a boarding school. The four social criteria are:

(a) The child is rejected or neglected and no other suitable plan can be made for him.

(b) The child has behavior problems that are too difficult for solution by his family or through existing community facilities and the child could benefit from the controlled environment of a boarding school without harming the other children in attendance.

(c) The child belongs to a large family which cannot provide a suitable home and separation of the child from the home is desirable.

(d) The health or proper care of the child is jeopardized by the illness of other members of the household.

The three educational criteria are:

(e) The child is retarded scholastically three or more years or has pronounced bilingual difficulties and there is no provision for him in the schools that are available.

(f) Special vocational or preparatory courses, not available locally, are needed to fit the child for gainful employment.[16/]

(g) A public or federal day school is not available. Walking distance to school is defined as one mile for elementary school and 1½ miles for high school students.

In addition to these formal reasons, some children are enrolled as a matter of family choice. Tribal councils may get involved in determining who is admitted to a boarding school. The approval of parents and of the resident reservation superintendent are also required.

16/Eligibility on the basis of this criterion is limited to students of high school grades 9 through 12 and post-high schools grades 13 and 14.

One function of the social worker on reservations is to recommend for or against approval of an application for boarding school insofar as the application is based on social rather than educational reasons. In fact, a social worker might initiate the application process if social reasons are involved and, by his recommendation, help to decide the issue. As a formal matter, though, the decision is made at the reservation level by the education specialist.

If an application to enroll a child in a BIA boarding school (or other BIA school) is rejected, the parents may appeal the decision to the official immediately responsible, and thereafter, to higher officials. The same procedure applies for grievances involving children already in the BIA school.

On the basis of the social and educational criteria for entrance, attendance by a "normal" Indian child at a boarding school is not as likely as attendance by a "problem" child The application of these criteria has the result that, in some boarding schools, one-half or more of the students were selected for social reasons. In some cases, one quarter or more of the students are public school dropouts or pushouts. Some students have accepted boarding school as an alternative to being sent to a reformatory. Scattered among the students are those who are there solely because of inaccessibility of educational facilities close to home.

While the needs of all Indian school children should be dealt with, it is curious that it is mostly the problem child who tends to be the beneficiary of the nutritional benefit at boarding schools. Consideration must be given to extending that benefit, on a systematic basis, to the nonproblem Indian school child as well.

As a start in this direction, consideration should be given to establishing a category of the Indian child of school age with unmet nutritional needs which could be dealt with most successfully within the controlled nutritional circumstances of a school. In addition to its educational objective, the school would be geared to the task of dealing with school children with major nutritional problems. In this manner, it will be possible to begin to provide the normal school child with the benefit of an appropriately controlled nutritional regimen. This suggestion is related to another heard from time to time: that the objective of BIA schools should be to become models of "educational excellence" for disadvantaged Indian students. BIA schools might also be considered for models of "nutritional excellence" for Indian children who are disadvantaged nutritionally.

4. Boarding school food policy - In a 1951 statement, the BIA recognized that, when left to themselves in the past, the Indian people were able to develop a well-balanced diet. However, the introduction of different food habits, many times accompanied by neglect and destruction of native sources of food, worked a hardship on them. The following policy was laid down for pupils in boarding schools:

> Utmost care should be used in planning the dietary of our boarding schools. It is urged that due respect be given to native food customs and that wherever distinctive foods are used and have become the accustomed diet of children and adults alike, these foods should be included in the dietary of the school. Where taboos exist, these must be respected. Whenever changes have been made either through destruction of natural foods or introduction of new foods by the trader, the school must make every effort to teach the essentials of nutrition as they pertain to balancing a diet and the relation of diet to health and disease.
>
> Adequate meals which are attractively served and have ample variety, and which meet the standards set by the Bureau of Indian Affairs shall be provided at all schools....

On its face, the instruction appears to provide that preferences for Indian-type food will be properly reflected in the menus of boarding schools. However, the current status of this policy is in considerable doubt. In 1968, some 17 years after the issuance of the instruction, the

BIA Food Service Officer for the Navajo area testified before the House Committee on Education and Labor. He had distributed to the Committee members the menus that were to be used during the following school year in the boarding schools in the area. He then commented:

> You will notice from our menus that we do not feed them /Indian students/ Indian foods. We feel that they need to learn to eat our foods when they first go to school, so if they go to college and go into a restaurant, they know what to order.

The BIA has not repudiated that statement nor has it taken note of it administratively to clarify to its staff what constitutes a proper interpretation of policy.

This experience points to the desirability of according recognition to the right of Indians to have a food program in boarding schools which incorporates ethnic variations that are nutritionally sound. A statement of policy should be developed applicable to boarding schools (and to BIA schools more generally) which recognizes this right and sets out the conditions under which it can be exercised.

On a matter of this sort, Indian opinion, student, parental and community, should be involved. One possible mechanism for this purpose could be groups in BIA schools comprised of students, parents and other knowledgeable

and interested Indians. BIA schools appear to be singularly lacking in such groups. The Special Senate Subcommittee on Indian Education, headed by Senator Edward M. Kennedy, reported after its extensive study of Indian education that only one of the 226 BIA schools at the time was governed by an elected Indian school board. The Subcommittee recommended in its final report that Indian boards of education be established at the local level for federal Indian school districts and that Indian parental and community involvement in the education process be increased. Such boards could advise on problems arising in the implementation of a food program, including ethnic variations in the menu.

BIA Dormitories

Children who are housed in dormitories do not have a public school available in their home community. The children, therefore, are out-of-district children who attend a public school for whom the BIA pays the educational cost. The children are enrolled in elementary and secondary schools.

Dormitories are either reservation dormitories or bordertown or peripheral dormitories. Bordertown dormitories are on the edge of the Navajo reservation in Utah, New Mexico and Arizona, located in towns outside the reservation. Reservation dormitories are

frequently located on the reservation, but not in all cases. In Oklahoma, for example, there are no reservations although there are so-called reservation dormitories.

For one group of dormitories, the local school system provides education primarily as a contract agent for the BIA. This program is funded under the Johnson-O'Malley Act, which is discussed in detail in Section 2. Under 20-year agreements with the BIA, the school district receives payments of a specified amount per student for school facilities and instruction. Some districts may also receive state-aid payments for each Indian child.

In the other group of dormitories, the Indian children living there receive their education from the school system in the same manner as other children living in the district.

Food program in dormitories - In dormitories, as in boarding schools, children are provided housing, meals and out-of-school recreation and tutoring. The children may eat lunch at the public school they attend and other meals at the dormitory. In this case, the contract with the public school district will specify that the dormitory pupils will be furnished the regular noon luncheon furnished other children. Otherwise, all meals are eaten at the dormitory.

Dormitories in Navajo area - In view of the numerical importance of Navajo children in the dormitory program, it is worthwhile to provide some details regarding the programs in the Navajo area.

In three of the nine dormitories in the Navajo area, the children obtain all meals, including lunch during the school day, in the dormitory because the public schools cannot handle lunch for them there. In the other six dormitories, lunch is eaten at the public school and the local schools are paid for this meal by the BIA.

BIA Day Schools

The students who attend the day schools live within commuting distance and return to their homes after school hours. The majority of day schools are small, with enrollments of fewer than 100 pupils, and are in isolated locations. Day schools are operated in areas where much of the land is in Indian ownership, held in trust by the Federal Government, where the major population is Indian and where local public schools are not available.[17]

The majority of the children in day schools are in elementary grades; a small proportion, around 5 percent, are in high school; kindergarten classes are also included for five year olds. The average

17/ Where at all possible, it would be desirable to increase the number and use of day schools so that Indian children might live at home, thus increasing the solidarity and continuity of the Indian family and community. In the March-April 1971 issue of City magazine John Collier, Jr., an anthropologist at San Francisco State College and son of a former U.S. Commissioner on Indian Affairs is quoted (on p. 47) as having stated:

> "The number-one killer in Indian education is the separation that has been demanded between the child, family and community."

Indian child who graduates from 7th or 8th grade will either enter a bordertown dormitory and attend a public high school, or attend a public school directly from his home.

The stated lunch policy of the BIA for day schools is:

> ...to provide a hot well-balanced meal at noon for all day school pupils. The meal is to be prepared by the school housekeeping aid/e/ with the assistance of older students (and in some instances the parents of school children), where this can be made educationally valuable to the students concerned...

General Food Policy Issues

Under this heading a number of issues are discussed that cut across particular categories of BIA schools.

A general statement of food policy for BIA schools and dormitories - It has been noted that there is a BIA instruction which deals with the policy on food in boarding schools and another in day schools. Both of these are limited in scope, however, and there is lacking a general statement on food policy for all BIA schools and dormitories which covers matters common to all such institutions. A statement of this sort would include such points as: explicit recognition of the responsibility of BIA to provide a food program in BIA schools and dormitories which takes account of the specific nutritional needs and preferences of the Indian children enrolled; the right of parents and

the Indian community involved to a role in the preparation of the policy statement itself and of the administration of the food program in particular schools; the procedure by which this opinion is solicited and applied for the purposes indicated; the manner in which complaints will be handled; provision for review of the effectiveness of the complaint procedure from time to time; the right of the students, parents and the Indian community involved to request inclusion into the menu of food preferences based on cultur l differences which are nutritionally sound; the kinds of meals to be served and the standards they shall meet; and the test to determine periodically whether and to what extent the standards are being met.

5. A general test for food programs in BIA schools - The Indian child in BIA schools is entitled to an education which meets standards that are applicable to the non Indian child in comparable circumstances. In the same way, the Indian child in BIA schools is entitled to a food program which meets reasonable standards that are applicable to the non Indian child. To determine whether this is being achieved, standards need to be applied. In connection with the 1968 budget, the BIA used an approach in this direction before a subcommittee of the House Committee on Appropriations. This approach was not repeated by the BIA in presentations in

later years. In the analysis of this approach which follows, the intention is less to present a fully worked-out standard than it is to call attention to one among a number of possibilities.

Pupil daily food expenditure

	Actual 1961	Actual 1967	Recommended daily minimum	Requested for FY 1968
Boarding Schools	$.75	$.60	$1.00	+ $.09=$.70 (rounded)
Day Schools	$.25	$.24	$ .50	+ $.06=$.30

Two points should be noted about this tabulation, presented by BIA officials, of pupil daily food expenditures in BIA boarding and day schools in 1961 and 1967:

First, the per pupil expenditure for food in BIA boarding and day schools is significantly below the minimum per capita daily expenditure recommended by the National Research Council and the Department of Agriculture. In the boarding school situation the differential is 40 cents to the disadvantage of the Indian child; in the day school situation, the disadvantage amounts to 26 cents. Despite this discrepancy, the increase requested by BIA officials would go only a small way toward eliminating the differential. By granting BIA's request, the gap would remain at 30 cents

per day per pupil at boarding schools and 20 cents at day school. If the standard is a fair one, which is implicit in its use by the BIA, the request should be for an increase in expenditure that would substantially eliminate the discrepancy and meet the standard. It is difficult to see on what basis there can be justified the continuation of a substantial discrepancy to the disadvantage of the Indian pupil.

Second, the daily pupil food expenditure in both categories of schools fell between the 1961 and 1967 fiscal years. In the case of day schools the decline was slight, one cent; in the case of boarding schools the decline was substantial, 15 cents. During the same period wholesale food prices rose. Thus, the per capita expenditure for food in these categories by BIA schools was declining at the same time the per capita cost was rising, which raises serious questions as to the impact of these developments on the quality of the food program in BIA schools during the six year period.

Obviously, the standard has its defects; for example, it is concerned exclusively with cost and does not reflect quality or change in quality over time. Still, it offers a useful beginning for evaluating food expenditures in BIA schools on a general basis. The standard shows that the food program in BIA schools, especially boarding schools, was deficient in the period covered.

BIA officials did not present a similar tabulation at subsequent budget hearings.

At the request of the Commission on Civil Rights, the BIA supplied updated information for pupil daily food expenditures. In 1971 this figure was 76 cents for boarding schools and 30 cents for day schools. An updated recommended daily minimum is not as yet available from the agencies involved in its development. However, even if the minimum listed in the tabulation is used, it is seen that a significant gap continues to exist to the disadvantage of the Indian pupil, 24 cents in the case of boarding schools and 20 cents in day schools.

Monitoring food programs - One of the recommendations to the President by the White House Conference on Food, Nutrition and Health is that there be surveillance and monitoring of nutrition programs for selected target populations, including Indians, and that more effective provision be made for monitoring as a built-in phase of federal food delivery. The conference recommendation is concerned with the commodity distribution and food stamp programs and with child nutrition programs such as National School Lunch. However, this recommendation is equally applicable to the food program in BIA schools.

The Conference also stressed the importance of identifying the nutritional and health deficiencies of a given target population and of developing a program specifically designed to correct these deficiencies. This corrective program also should be

monitored to determine whether the nutritional results were forthcoming. This recommendation likewise is equally applicable to the food program in BIA schools.

6. Use of surplus foods at BIA schools - BIA boarding and day schools and dormitories are eligible to receive surplus agricultural foods donated by the Department of Agriculture. Other food items must be purchased out of the budgets of the institutions concerned.

In recent years a number of authorities, including Dr. Jean Mayer, Professor of Nutrition at Harvard University, have been directing increasingly critical comment at the propriety of a farm surplus policy serving as the basis for providing a nutritional diet to those in need. For one thing, the foods produced on the basis of a surplus food policy might be wrong foods--that is, undesirable from a nutritional standpoint. For another, these donated foods are likely to be of a monotonous sort. Further, they are likely to be subject to considerable irregularity in their availability because the existence of a surplus is a pre-condition for the acquisition and subsequent distribution of foods by the Department of Agriculture.

Thus, while the donation of food produces a saving in cost, there are disadvantages which must be weighed against the saving. Over the years, the donations have been inadequate to provide a proper school diet.

SECTION 2

Food Programs in Public Schools Funded by Authority of the Johnson-O'Malley Act of 1934 as Amended

Six major points are developed in this Section:

1. The BIA considers that its responsibility for the education of Indian children attending public schools (and, consequently, for the nutritional status of these children) extends primarily to those children living on or near Federal reservations and who are at least one quarter Indian. By determination of the BIA, only the public schools these children attend are eligible for funds authorized by the Johnson-O'Malley Act. The large number of other Indian children attending other public schools are regarded by the BIA as falling outside its responsibility and these schools are not considered to be eligible for Johnson-O'Malley (JOM) funding.
2. The BIA employs Johnson-O'Malley funds where necessary to maintain an "adequate" school for the eligible Indian children enrolled. The standard applied appears to be less rigorous, however, than the one provided in the Johnson-O'Malley Act itself--a standard of service not less than the highest maintained by the state concerned.

3. There are repeated reports that Indian children suffer inequities at the local level in the administration of JOM funding for school meals. This situation may reflect, in part, the fact that the BIA issued no regulations for the proper administration of JOM monies for providing school meals to needy Indian children.

4. The availability of JOM funding to public schools is not restricted by the BIA to those schools that participate in the federally funded National School Lunch, School Breakfast, or Special Milk programs. Thus, there are needy Indian children attending JOM financed public schools who need these services but where they are not provided.

5. The Commission on Civil Rights surveyed JOM-funded public schools and school districts with regard to their participation in four federally assisted food programs to determine whether there is available to the Indian children an opportunity to share in the benefits of these programs. This survey shows that participation in the National School Lunch program is very good; participation in the School Breakfast program is poor; participation in the Nonfood Assistance program is very poor; participation in the Special Milk program is fair.

6. A policy change was announced on March 31, 1970--the phased withdrawal of JOM funds used for school lunch and school breakfast purposes and the substitution of appropriated funds provided to the Department of Agriculture for the same programs. A pertinent question is whether the needy Indian child whose family was needy under the old policy and continues to be needy under the new policy will receive the school meals he needs under the conditions his family can afford. It is not obvious that this result will necessarily follow from the new policy.

The discussion of each of these six points in the text which follows is keyed to the number used above.

1. Indian school children covered by the Johnson-O'Malley Act

The Johnson-O'Malley Act of April 16, 1934, as amended June 4, 1936, authorizes the Secretary of the Interior to enter into contracts with States and other entities[18/] for the education of Indians (and for certain other purposes) and to permit the use of Federal school buildings and equipment by local school authorities.

In the 1970 fiscal year the BIA entered into contracts with 15 States and with local school districts in 8 other states specifying conditions under which financial aid is to be extended. Where a small number of schools in a school district are involved, the BIA deals directly with the local school district rather than with the State as, for example, in Colorado. The contracts are uniform.

18/ Also with their political sub-divisions, and with a State university, college or school and a State or private corporation, agency or institution.

The Indian children in public schools for whom the BIA provides JOM funds must be one-fourth or more Indian. The regulations that deal with the enrollment of Indians in public schools do not make specific mention of the other qualification described in the preceding Section for admittance to BIA schools, namely, residence on Indian reservations or trust or restricted lands under the jurisdiction of the BIA. In fact, however, in the administration of JOM funds, non-reservation Indian children are excluded; the schools in question must enroll federally-recognized Indian children. This definition was developed by the BIA and does not find its counterpart in the governing Johnson-O'Malley Act which does not distinguish between Indian children living on federal reservations who are at least one quarter Indian, whose public

schools are subsidized by the BIA, and Indian children not fitting this definition whose public schools are not subsidized by the BIA. 19/

19/ In commenting on an earlier draft of this guide, the Commissioner of Indian Affairs pointed to the language of the Johnson-O'Malley Act authorizing the Secretary of the Interior to make such rules and regulations as are necessary and proper for carrying out the Act's provisions. The Commissioner stated that the eligibility requirements referred to in the text were developed on the basis of this authority. The Johnson-O'Malley Act authorizes the Secretary "to enter into...contracts with any State...for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State...." (underscoring supplied). The Secretary proceeded on this task by eliminating those Indians who were not residing on or near federal reservations and who were less than one-fourth Indian. The promise was to act for the Indians in a state; the performance was to be concerned only with a selected portion of them. See also footnote 14.

Though taking the position that the Secretary of the Interior has the authority to prescribe such restrictive eligibility requirements as he may see fit, the Commissioner of Indian Affairs goes on to state in his comments to the Commission that:

> These comments in no way should be construed to mean that the Bureau is not vitally interested in the welfare of all Indian people. In addition to our obligation to Indian people for whom we have responsibility we have taken the position of advocate for all Indian people.

These positions appear difficult to reconcile. In order to legitimize a position as advocate for all Indian people, the Bureau should be prepared to interpret its statutory responsibility, as the language would appear to require, to service all Indians. This the Bureau has not done.

The BIA policy of excluding non-reservation Indians from the benefit of JOM funds dates from 1951, the time the Federal Government's policy of "termination" was begun. The termination policy sought to end the status of American Indians as wards of the federal government, to withdraw federal services to them and to transfer jurisdiction to the individual states.[20/] Prior to the institution of that policy, non-reservation Indians had received JOM assistance.

20/ See U.S. Concurrent Resolution 108, the Senate concurring, passed August 1, 1953.

Appropriations for the Johnson-O'Malley Act for the 1968-1969 fiscal year totalled $11.6 million. Of this amount, $9.7 million was for contracts with States; $300,000, for contracts with districts; and $1.6 million for the education of dormitory-housed students in public schools.[21/]

The BIA provides supplementary aid to public school districts which face financial problems because of (a) tax exempt Indian owned lands within the district and (b) relatively large numbers of Indian school children. Many school districts on Indian reservations have insufficient funds to operate effective school programs even with state aid and general federal aid to education programs; some districts have little or no tax base. In these districts, JOM funds are used to help assure operation of a basic school program.

Funds are made available through contracts with state departments of education on the basis of state plans developed by the BIA and each department. Plans take account of the ratio of Indian children, local tax efforts, all other sources of aid available, other federal programs and the special needs of the Indian children.

In addition to financial problems created for public schools by tax exempt Indian owned lands and by Indian children, there are also situations where public schools are unable to fully finance special programs needed by Indian students. To aid such districts, JOM monies can be used.

21/ The schools for Indian children living in peripheral dormitories are operated for Indian children by the state under contract with the BIA.

2. Conflicting standards of service in JOM Act and JOM regulations

The Johnson-O'Malley Act provides that the minimum standards of service which the Secretary of the Interior shall prescribe in contracts with states for the education of Indians "are not less than the highest maintained by the States or territories /concerned/." Thus, Indians have a statutory right to the highest standard of educational service maintained by a state in any contract entered into by the BIA. As indicated in the preceding Section, the BIA itself has recognized the close relationship between the receipt of proper nutrition by Indian school children and the achievement of the educational goals in the schools these children attend. Thus, the nutritional component of an educational service involved in a contract ought also to establish a level of performance "not less than the highest maintained by the States or territories /concerned/," in line with the terms of the Act.

The BIA regulations for administering the Johnson-O'Malley Act appear to interpret the statutory language in a way to require a less stringent standard than the one the Act would seem to require. The regulations provide:

> This Federal /JOM/ assistance program shall be based on the need of the /school/ district for supplemental funds to maintain an adequate school after evidence of reasonable tax effort and receipt of all other aids to the district without reflection on the status of Indian children.

According to this language, the educational service (including a nutritional component) need only be "adequate" rather than "not less than the highest maintained by the States or territories /concerned/." There is a question as to whether the Indian community should accept an "adequate" standard when the statute appears to set a higher one.

Parental cost item in JOM contracts

JOM funds are used for general support and for special programs. General support programs are intended to benefit Indian children solely by supplementing regular school programs. Special programs fall into two categories: parental cost and special projects. The regulatory language covering the parental cost items reads:

> When school districts and local agencies have insufficient resources to support the costs of school lunches, books, supplies, and other parental-cost items, Johnson-O'Malley assistance is limited to the cost of services not furnished by the district to all children. Only children without financial resources should be considered for this category of aid.

The largest of the parental cost items is school lunches. In the 1969 fiscal year, out of total JOM expenditures of $11.6 million, approximately $2.1 million went for lunches.

There is no consistent policy in the use of JOM funds for school lunch programs among the various states. In some states JOM funds have never been used for the purpose of meals in the National School Lunch program. Wyoming is such a state. JOM funds have been used for other purposes in this state but not for this one. This situation is in stark contrast with the practice in other states--for example, Oklahoma and North Dakota. It was noted that federal educational services to California Indians were terminated in 1958. Although JOM funds were reinstated in California in 1970, none has been expended for food services. This applies, it should be noted, to the California Indians who were never terminated from the special protection of the Federal Government--the Quechan Indians, for example--as well as to those who were terminated.

Brief definitions of selected federally-funded school food programs

The National School Lunch program helps provide lunches to children in public (and nonprofit private) schools of high school grade or under. The U.S. Department of Agriculture

administers the program (as well as the other three described later) in cooperation with state departments of education. These departments enter into agreements with schools or school districts for the operation of the program. Federal funds are apportioned among the states to reimburse schools for part of the cost of the food they purchase.

To be eligible for Federal aid, schools must provide lunch free or at a reduced price to children unable to pay the full price. Schools are reimbursed in part for the lunches served all children and an additional amount for the lunches served needy children. Requirements as to the quality and type of lunch that is served also must be met. The Department of Agriculture buys and distributes foods to participant schools and distributes foods acquired under surplus removal and price support programs. Federal funds used in a state must be matched at a specified ratio with state funds.

The School Breakfast program helps provide breakfast in schools which enroll needy pupils or where the children must travel long distances to get to the schools. Federal funds are divided among the states to pay schools for the cost of locally purchased foods. Schools participating in the program must provide breakfasts free or at a reduced price to children who are unable to pay the full price.

The Special Milk program provides schools (and child-care institutions) with federal funds for part of the cost of each half-pint of milk they served. This payment may make it possible for a school to start a milk service or to expand its current service by offering milk at reduced prices. Needy schools in economically depressed areas may be eligible to receive additional assistance.

The Nonfood Assistance program authorizes federal cash assistance to help schools located in poverty areas purchase equipment that is needed to establish, maintain and expand school food services. The federal funds apportioned among the states are used to pay needy schools up to three-fourths of the total price of the equipment, including installation charges. The remaining one-fourth must come from sources within the state. Participating schools must agree to take part in the National School Lunch or the School Breakfast program.

BIA responsibility for Indian children in JOM funded public schools

The BIA has a responsibility for the welfare of the Indian school child. If the public school an Indian child attends does not participate in the National School Lunch program, and there

are Indian children in the school who need the lunch and will not otherwise obtain it, the educational responsibility of the BIA toward these children has not been met until the nutritional element has been provided for them. The responsibility of the BIA is not necessarily met by providing the Indian child with no more and no less than is provided the non-Indian child. The responsibility of the BIA is to provide the kind of lunch that is appropriate for the Indian child involved, taking into account his health and his preferences. In carrying out this responsibility, the BIA must assure that the Indian children are receiving the meals they need in the public schools, that the meals are of appropriate quality and are provided under non-discriminatory conditions. To accomplish these objectives, there should be a BIA procedure for determining whether Indian children are receiving these services. While it is permissible for the BIA to contract the performance of certain educational tasks to public school authorities, the BIA continues to have the responsibility for seeing to it that the tasks are performed satisfactorily.

3. Inequities in the administration of JOM funds for school lunch

A recent report by the NAACP Legal Defense and Educational Fund in cooperation with the Harvard University Center for Law and Education stated:

> We have found that Indian children suffer more inequities and injustices in the administration of these [parental] JOM supported costs than in any other area.

In its report, the NAACP cites instances where the determination by the school authorities as to the children who were needy and the implementation were made in ways that were humiliating to the Indian children and families concerned. Some Indian children may be required to work in return for their lunch. With regard to children who attend public schools from a BIA dormitory, even though lunches in the public schools are paid for by the BIA, school authorities require the parents of these Indian children to fill out a questionnaire. Students receiving school lunch assistance may be singled out in the school cafeteria. Indian parents who are on welfare or who are unemployed may be required to pay for the school lunch for their children.

School authorities determine whether a needy Indian child shall receive a lunch free or at a reduced price. In the case of a public school participating in the National School Lunch

program, the BIA has been paying the cost for the Indian child, in whole or in part, depending upon the need of the parents. However, the determination of need has been left to the local school authorities. A matter of judgment is involved--that of the school authorities. It has been charged by the president of the Navajo Community College that some public school superintendents eliminated free lunches for needy Indian children as a device for teaching them "a sense of responsibility" and for helping them "adjust to the world." However, these Indian children were unable to pay even the reduced price.

Contracts with states uniformly include a nondiscrimination clause whereby the contractor agrees that schools enrolling Indian children shall receive all funds and aids to which other public schools in the state are entitled and:

> In no instance shall there be discrimination by the State, or subdivision thereof, against Indians or in the support of schools enrolling Indians.

This provision is assumed, apparently, to be self-enforcing. The BIA does not have a regular inspection procedure which could provide assurance that Indian students are not being discriminated against in the school lunch program or in other ways.

Observers have called attention to the strong factor of racial prejudice which continues to exist in many areas of substantial Indian population. Local administration of the school lunch program in such areas, insofar as Indian students are concerned, could be seriously affected to their disadvantage.

The need for BIA regulations for proper administration of JOM school lunch monies

The BIA has prescribed no regulations for the administration of JOM monies for school lunches. This lack may well account for the problems previously outlined. Regulations should spell out the steps contractors must take to ensure that JOM funds are not spent in ways which result in discrimination.

Regulations should also provide a mechanism whereby the BIA would periodically satisfy itself--not merely on the basis of reports to it, but by its own on-the-spot inspections--that JOM monies are being spent in ways which do not generate discriminatory results for Indian children or their parents with respect to school lunch or other school meals. Likewise, regulations should provide an appeals procedure for handling complaints from Indian parents or other persons concerned with the program. Regulations should specifically recognize the responsibility of the BIA toward the Indian child in JOM-funded schools. And, finally, the BIA should make certain that the responsibility is being carried out by those to whom it has been delegated.

4. Unaggressive use of JOM funding device to benefit Indian child with regard to school meals

The use of JOM funds in public schools could serve as an important instrument for change that could benefit the Indian child with respect to nutrition (as well as in other ways). Nothing like the maximum potentiality of the device has been realized because of the passive approach taken by the BIA.

It is the policy of the BIA that, "Enrollment of Indian children in public schools shall be encouraged where such schools are adequate and accessible." In the determination of "adequacy," the BIA does not consider it pertinent whether a public school is participating in the National School Lunch or School Breakfast or Special Milk programs or has taken advantage of the Nonfood Assistance program. The BIA does not require that a school meet the nutritional needs of the Indian children in order that the JOM funds for educational purposes shall be forthcoming. Yet such requirement might serve as an important means for obtaining an appropriate response from the school authorities. There may well be Indian children enrolled in a school who need to have both breakfast and lunch there in order to perform satisfactorily. Because the BIA does not apply a criterion of the sort suggested, there are public schools funded by authority by authority of the Johnson-O'Malley Act that do not participate in the National School Lunch or School Breakfast program though needy Indian children are enolled.

5. Findings from the Civil Rights Commission's survey of JOM-funded public schools

The Commission on Civil Rights surveyed JOM-funded public schools and public school districts with regard to their participation in the four federally-assisted school food programs previously described. Participation by a school provides the Indian children enrolled with an opportunity to share in the benefits of the programs.

The information obtained by the Commission[22] from its survey supports four broad findings:

A. Participation of these school districts in the National School Lunch program is very high. In November 1970, of the 549 public schools or public school districts funded under the Johnson-O'Malley Act for which information is reported, 523 were participating in this program. Only 26 were not.

This finding, however, needs to be tempered by two considerations. First, many of the entities involved in this count of 549 are public school districts. Not every school in a given district participates. Of the several schools included in a district, one school may participate in the National School Lunch program while others in the same district do not. The count with regard to participation is based upon at least one school in a school district participating in the program. Non-participation by a school district means that no school in the district is participating in the program. Thus, the situation might look somewhat less impressive if it were possible to count the actual number of schools participating. From the standpoint of the nutritional welfare of the Indian school child, what is important,

22/ In its survey the Commission requested information as of November 1969 and November 1970. Replies from a number of States provided information for programs that were, in fact, started after November 1970. In the interest of presenting as up to date a picture as possible, these cases have been treated as if the programs were in effect in November 1970. In the case of one State, Oklahoma, information was supplied for the preceding school years, 1968-1969 and 1969-1970.

of course, is whether the school in which he or she is enrolled is participating in the program; not whether the school district is participating.

The second qualifying consideration is that even among the participating schools or school districts, there is a large disparity between the number of children attending and the number participating in the National School Lunch program. This disparity may be a reflection of the restrictive manner in which the program is being administered at the local level with respect to the designation of needy children to whom free or reduced rate lunches are available. For example, needy children may be offered a reduced rate lunch which their parents may not be able to afford, or there may be complex requirements involved in applying for a free or reduced rate lunch which discourage the needy from applying.

B. The second finding from the survey is that participation of JOM-funded public schools or school districts in the School Breakfast program is poor. Among the 549 reporting JOM-funded public schools or school districts, only 109 were participating in this program in November 1970.

In Oklahoma, which has an excellent record of participation in the National School Lunch program, all 267 of its JOM-funded public schools and school districts were participating, only 56 schools or school districts were participating in the School

Breakfast program. In Arizona, 43 of the 52 JOM funded public schools or school districts participated in the National School Lunch program in November 1970. However, with respect to the School Breakfast program, 37 schools or school districts did not participate and only 15 did participate. In Minnesota, all 26 of its JOM funded public schools or school districts participated in the National School Lunch program, but only 2 of these schools participated in the School Breakfast program.

The qualifying point made with regard to some schools in a district not participating in the National School Lunch program is equally applicable to the proper interpretation of the figures in the School Breakfast program. It is true that eligibility of schools for this program is on a more restrictive basis than is the case in the National School Lunch program. Yet, the presence of poor children in a school is one condition, and many Indian children attending such schools are poor. The other condition for eligibility of a school is the need of the children to travel long distances to school--which many Indian children do. It is clear that many Indian children may need but do not have the benefit of a School Breakfast program in the school they attend.

The disparity previously commented on between attendance and participation in the National School Lunch program is even more

marked in the School Breakfast program. In the 109 public schools or school districts that were participating in the School Breakfast program in November 1970, only 18.1 percent of the children participated in the School Breakfast program that month. The comparable percentage for the National School Lunch program is 62.1 percent.

C. The third finding from the survey relates to the Special Milk program. Participation is better than in the School Breakfast program, but it is not as good as in the National School Lunch program. Of the 549 JOM-funded schools or school districts, 408 were participating in the Special Milk program in November 1970 and 141 were not.

D. Finally, the fourth finding is that participation in the Nonfood Assistance program is very poor, poorer even than in the School Breakfast program. Of the school districts reporting, 540 out of 549, only 100 had participated and the remaining 440 had not. The poor participation in the School Breakfast program makes it difficult to understand why so little use is made of the Nonfood Assistance program which is designed to enhance a school's capability to provide meals during the school day. An important reason may be that 25 percent of the needed funds must be supplied from local sources; while only 75 percent is provided by the Federal Government.[23/]

23/ The Appendix includes a list of the JOM funded public schools and public school districts that were not participating in November 1970 in the National School Lunch program or the School Breakfast program surveyed by the Commission on Civil Rights. For each school or school district there is provided name and address, the program or programs that were not participated in, the name and address of the superintendent of education and the name and address of the official in the state department of education with immediate responsibility for administration of the programs.

Reasons for poor participation in the School Breakfast program

In connection with its survey, the Commission on Civil Rights asked State administrators why participation in the School Breakfast program by JOM funded public schools is so poor.

The Food and Nutrition Division Director in the Arizona Department of Education answered:

> You can rest assured that all schools in this State are encouraged to participate in the School Breakfast Program wherever the need is felt. The Johnson-O'Malley schools are no different...The reasons for this /non-participation/ are varied. For some the need is not there, the equipment is not adequate and/or funds are not available to take care of excess labor involved.

The rate of poverty among Indian reservation families is so high that a statement that there is no need for a breakfast program at schools in which Indian children are enrolled is open to considerable doubt. On this point one observer has said:

> The vast majority of American Indians live in abject poverty; in 1964, 74 percent of reservation families earned less than $3,000 a year (the poverty threshold). While their income rose considerably more between 1939 and 1964 than that of the total population, it was only 30 percent of the latter in 1964 ...24/

When it is said that the equipment is not adequate, it must be remembered that the purpose of the Nonfood Assistance program is to equip schools adequately. The fact that funds are not available to pay for the labor costs raises a question about the uses for which

24/ Alan L. Sorkin in American Indians and Federal Aid, The Brookings Institution, (Washington, D.C. 1971) at p. 8.

local and state funds are currently employed. The problem may be less one of inadequacy of funds than of an inappropriate allocation of funds.

The Program Administrator of the School Food Services in the Nebraska Department of Education when asked why only two of the five JOM schools were participating in the School Breakfast program said:

> The need for a breakfast program is probably as great in any one of these schools as it is in any other. Those not participating have been urged to do so, but thus far have declined to do so.

The obverse, perhaps, of the position which stresses that the state agency has "done its duty" after urgings, is one that emphasizes that the matter rests upon local initiative whose determinations, however they might be disliked, ought to be respected. The Supervisor of School Food Services in the Office of the Superintendent of Public Instruction of Montana, explaining why only 6 of the 18 districts in Montana were participating in the School Breakfast program, stated:

> The initiation of child feeding programs in schools is accomplished at the local level by and through the district's school board. The staff of the School Food Services program.... assists school district officials in implementing and continuing the programs....

The Wisconsin Assistant Superintendent in charge of the Division of Field Services to Local Schools in the Department of Public Instruction, when asked why so few districts, 3 out of 23, were participating in the School Breakfast

program, and whether the need varies as widely as this situation suggests, replied:

> The need for the program does not vary as widely as the data would suggest. The Department has, on many occasions, in both verbal and written fashion, urged districts to participate in the Breakfast program. However...the program is not mandatory and districts thus must decide if they wish to participate....

In the State of Washington, only 7 of the 26 JOM funded school districts were participating in the School Breakfast program. The comment of the Supervisor of Food Services in the Department of Public Instruction was as follows:

> Many school directors and administrators are not interested in offering the School Breakfast program. Some districts do not need a breakfast program as children are not bussed long distances or they do not have many needy students. The participation is not as high in the School Breakfast program as in the lunch program because children eat at home or do not care for breakfast.

If there are Indian children who are in need of a School Breakfast, their need ought to be met in some reasonable fashion, without regard to the small number involved. If there aren't enough to justify a School Breakfast program, a good-faith effort should be made to deal with and to meet their need in some other way. It is difficult to accept seriously the statement that one reason why student participation

is not high in a School Breakfast program is that children "do not care for breakfast." If this were in fact the situation, it should constitute an alert to the responsible officials that the health of the children might be impaired and that something ought to be done about it.

In situations such as those described, the BIA has a weapon which could be employed judiciously--withholding JOM funds from recalcitrant schools or threatening to do so until the nutritional problem of needy Indian children is met. It should be emphasized that even if this fails to produce the results desired, the responsibility still remains with the BIA; other alternatives would need to be considered and tried.

6. Phasing Out of JOM Funding for School Meals

On March 31, 1970, the BIA and the Department of Agriculture announced a phased withdrawal of JOM funds used for school lunch and school breakfast programs and the substitution of National School Lunch funds. The transition period is to be not more than 3 years and shorter, if possible. The withdrawal began in some states in the 1970-1971 school year. The change would, according to the policy instruction, "permit the...use /of/ Johnson-O'Malley funds provided by the Congress to enrich other aspects of education for Indian children attending public schools...."

> Schools which have been using Johnson-O'Malley funds to provide meals to needy Indian children should consider the needy Indian children to be eligible for free or reduced price lunches on the same basis and under the same free and reduced price eligibility standards as non-Indian children.

Local boards of education were asked to assume responsibility for paying for Indian children's lunches from the same source of funds now used to finance meals for the district's non-Indian children. The instruction provides that:

> In practical terms, the objective is to insure that Indian children are treated in the same manner as all other children in school.

Plans were to be worked out jointly by the Director of Johnson-O'Malley Assistance and the State School Lunch Director in each state to accomplish the phased withdrawal. The policy provided:

> All plans developed and agreed upon should insure that no Indian children--needy or otherwise--are denied a lunch during the transition period.

A BIA official reported to a staff member of the Commission on Civil Rights that even after the transition is fully completed,

if an Indian family is not able to pay the price of the meal, even at the reduced rate, the BIA might assume that cost for it is the agency's policy to see that no Indian child goes hungry.

The program transfer was completed in 1970 in two states, North Dakota and Montana. Because of the large number of Indian children in the Southwestern states of New Mexico, Oklahoma and Arizona, it is understood that the transfer will take the longest to complete there.

The directive of March 30, 1970 in relation to the President's new policy for the American Indian - The method by which the phasing-out directive described above was determined stands in strong contrast with an underlying thesis of the President's message of July 8, 1970 inaugurating a new policy for the American Indian. A key ingredient of that message, as stated by the President is:

> The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

The President's message presupposes that in matters affecting changes in the rights, privileges and practices of American Indians a basic input into the decision would be made by Indians and their representatives. This was not done with respect to the directive of March 30, 1970. The directive was drawn up and placed into effect by two Federal agencies, the Department of Agriculture and the Department of the Interior, without such input. It is true that the President did not announce his new policy until July 8, 1970, some three months after the March 30, 1970 directive was issued. However, the latter was not to take effect until the beginning of the 1970-1971 school year, which began in September 1970. Hence, there was adequate time to meet the requirements of the President's new policy. However, this was not done.

Will the BIA subsidy be replaced by funds from the Department of Agriculture? - At least the intent is there, judging by the following language of the March 31, 1970 instruction:

> The Bureau of Indian Affairs has been directed by several Congressional Committees to investigate the possibility of obtaining food assistance under programs specifically funded to meet the nutritional needs of children in school, thereby releasing a substantial amount of their appropriations for use in enriching other aspects of the Bureau of Indian Affairs school programs. The Department of the Interior has, therefore, requested that Johnson-O'Malley support for meals served to needy Indian children be gradually replaced with funds available under this Department's /of Agriculture/ child nutrition programs....

The language referring to the replacement of the BIA support by child nutrition funds from the Department of Agriculture may, however, be misleading.

The situation in Oklahoma is illustrative. Prior to 1970 the BIA provided each school or school district funded by JOM funds with 16 cents per meal served to a needy Indian child enrolled in the school. In addition to the 16 cents, each school participating in the National School Lunch program received from the Department of Agriculture through the Oklahoma Department of Education, two subsidies as of January 1970:

a. a maximum of 12 cents per lunch served, whether or not served to a needy child;

b. an additional maximum of 25 cents per lunch served to a needy child, either free or at a reduced price.

In Oklahoma the agreement between the Indian Education Department of the BIA and the State Department of Education provided that in the fiscal year ending June 30, 1971, the BIA would contribute only 10¢ per meal per needy Indian child in public schools receiving JOM funds. This amount will be reduced to 5¢ in the 1972 fiscal year and reduced again to zero in the 1973 fiscal year. When the new policy is fully effective, the BIA subsidy will have been withdrawn. However, the amount paid to the schools by the Department of Agriculture will not necessarily be higher by 16¢ per meal per needy Indian child. If the reimbursement provisions in effect in January 1970 had continued,

the schools would continue to receive a maximum of 12 cents per meal per child and an additional amount not exceeding 25¢ per meal per needy child served, including a needy Indian child.

A change in the reimbursement provisions went into effect in September 1971. The subsidy paid for each lunch served per child remained at a maximum of 12 cents. The subsidy for each lunch served a needy child, either free or at a reduced rate, increased to a maximum of 48 cents. These higher subsidies, it should be noted, are available to all schools participating in the National School Lunch program, and not only to JOM-funded public schools. Payment of these increases is dependent upon Congressional appropriation and because the Congress did not provide an adequate amount, at least during 1970 and early 1971, the maximum payments were not paid.

There is no provision in the directive of March 30, 1970 whereby JOM-funded schools in Oklahoma will receive a higher subsidy from Department of Agriculture funds--higher, that is, by the amount of the withdrawn BIA subsidy. These public schools will receive the reimbursement provided by law which all other schools will receive.

On this basis, the BIA subsidy need never be "replaced" by Department of Agriculture funds. The BIA funds formerly spent for school meals presumably will be available to the BIA for some other authorized educational purpose, provided these funds continue to be appropriated by the Congress.

There appears to be one instance where the BIA subsidy was replaced, but not by Department of Agriculture funds. In North Dakota, prior to January 15, 1970, the BIA paid 30¢ per school meal per needy Indian child attending a JOM school. In addition, these schools received the subsidies described from the Department of Agriculture, through the North Dakota Department of Public Instruction. Beginning January 15, 1970, the BIA stopped paying its subsidy of 30 cents. The Department of Public Instruction of North Dakota put itself in the place of the BIA and paid an extra subsidy--not of 30¢ however, but of 25¢ per meal served per needy Indian child in

JOM schools whose meals had formerly been taken care of by the BIA.[25/] In addition, these schools received a maximum of 37¢ per child served from Department of Agriculture funds. In this case, therefore, the BIA subsidy was replaced by that of the State of North Dakota, presumably out of funds it contributes to the program. This arrangement continues to treat the needy Indian child in JOM-funded schools differently from the needy non-Indian child in the same schools.

25/ The Food and Nutrition Division of the Arizona Department of Education informed the Commission that in the 1972 fiscal year it, too, was funding a previous JOM-supported lunch program in Snowflake and Flagstaff, Arizona. Further details were not supplied.

The preceding recital discloses a curious feature of the JOM subsidy: the disparity in the amount among states. The BIA subsidy was 30¢ per child per meal in North Dakota and 16¢ in Oklahoma. It is difficult to understand the basis on which a disparity of this magnitude could be justified, having regard for the nutritional need of the Indian children in all the states.

Is the new policy needed to lessen discrimination? - The new policy is justified on the basis that it lessens discrimination--not against the Indian child in JOM-funded public schools, but against the non-Indian child in such schools. The instruction states:

> In practical terms, the objective is to insure that Indian children are treated in the same manner as all other children in school.

On this matter the State Supervisor of School Food Services in Montana wrote to the Commission on Civil Rights as follows:

> The replacement of Johnson-O'Malley funds used in child feeding programs with National School Lunch funds is intended to lessen discrimination on the basis that all children attending schools participating in the National School Lunch who are eligible for free and reduced price meals will receive the same assistance.

The instruction itself suggests that the new policy arose out of the desire of Congressional Committees concerned with Indian affairs that the funding for public school lunches and

breakfasts for Indian children in JOM funded public schools should come from the same source as is available for non-Indian children. It is misleading, therefore, to suggest that the policy is based on a loftier or higher-minded purpose, having to do with the lessening of discrimination.

The kind of discrimination involved can be illustrated by developments in North Dakota. It is reported that when local school districts, handling JOM funds, were initially given the task of determining the eligibility of Indian children for a free or reduced price lunch, the original intent was that a local committee would undertake the task. What happened in practice, however, is that all Indian children were determined by the school administrators to be eligible for a free lunch. This would not have been the result, it is implied, had the eligibility criteria been applied to them.

When the BIA subsidy is withdrawn, the determination of need with respect to the individual Indian child will fall upon the school principal who was already performing this function for the individual non-Indian child. The same income and other criteria will be applied by the school principal to the family of the Indian child to determine eligibility as are applied by him to the family of the non-Indian child. This change is thought of as removing a source of discriminatory treatment. The payment of a BIA subsidy toward the meals of the needy Indian child was considered another source of discrimination. Removal of such subsidy is considered as removal of a source of discriminatory treatment toward the non-Indian child.

This raises several questions. Whether the payment of a BIA subsidy for the needy Indian child for school meals (in addition to the subsidy from the Department of Agriculture) is a discriminatory act revolves around whether the needy Indian child is on the same nutritional level as the non-Indian child. If the needy Indian child is at a lower nutritional level, the BIA subsidy for him can be justified and should, of course, be reflected in the kind of meal he is served.

In this connection it is important to note the situation in North Dakota. When the BIA withdrew its subsidy, the North Dakota Department of Public Instruction stepped in and replaced it to the extent of 25¢ per meal.

This action implies that it is equitable to provide an extra reimbursement for the needy Indian child. The Director of School Food Services of the North Dakota Department of Public Instruction informed the Commission on Civil Rights that:

> We could not live with this situation /phasing out JOM monies for school meals/ so /we/ accepted responsibility of reimbursing for the meals formerly paid with Johnson-O'Malley funds....

Other points to be kept in mind are these: If school administrators in North Dakota failed to apply the appropriate eligibility criteria for separating needy Indian children from the other Indian children, presumably the fault is their own. It is difficult to appreciate the validity of a complaint about a situation partly created by the complainant.

In this connection it must not be forgotten that the schools benefitted financially from their determination that all Indian children were needy. The subsidy from the Department of Agriculture is in two parts. In addition to a subsidy for each meal served, there is an additional and much larger subsidy for each meal served to a needy child. The total subsidy, therefore, is greater where needy children are involved. To this subsidy was added, of course, the BIA subsidy per needy child.

It also should be noted that, in the new situation, funds previously available to JOM-funded schools in the form of a BIA subsidy for a school meal will no longer be available. In other words, all Indian children meeting the BIA criteria were classified as needy when the BIA was providing a subsidy. Now that the BIA is no longer doing that, careful distinctions are made as to which Indian children are needy and which are not. It would almost seem that school administrators find it necessary to justify this loss to themselves by arguing that the new policy is necessary in the

interest of lessening discrimination favoring the Indian child in JOM funded schools.

Need for appropriate implementation of the new policy - The new policy does not provide that Indian children whose lunches have been paid out of JOM funds will be automatically eligible for a free lunch. Rather, the policy is that they will be eligible for a free lunch under the same terms as non-Indian children. The real question is whether the needy Indian child who received a free lunch under the old policy will be determined to be eligible for the same service under the new. It is not obvious that this result will necessarily follow from the new policy for the elimination of the BIA subsidy may harden school administrators against finding that Indian children in JOM-funded schools are needy.

Consequently, a school official might determine that an Indian family is not needy and, therefore, require it to pay the full price of the lunch for its child in school. This may constitute a strain on the family's finances. Even if it is determined that the family continues to be needy, a school administrator has the choice of providing a reduced rate lunch or a free lunch. There may be some incentive to choose the former, for it provides some revenue. By law the reduced price charged a needy child for a National School Lunch cannot be in excess of 20¢ per meal. Yet, a needy Indian family may find $1.00 per week per child difficult to meet.

It is, therefore, important that the burden of the new policy not fall upon the needy Indian child in JOM-funded schools. It is important to stress that the BIA retains responsibility for the nutritional welfare of the Indian school child. This responsibility has not been and cannot be shifted to the Department of Agriculture under the new policy.

To assure itself, as the instruction for the new policy provides, that "...no Indian children--needy or otherwise--[shall be]...denied a lunch during the transition period," the BIA needs to establish procedures that will enable it to determine whether such undesirable results are occurring. No such procedure has been established. The procedure should be such as to alert the BIA when the authorities in JOM-funded public schools deny a free lunch to an Indian child who needs one or charge a reduced rate to an Indian child whose parents cannot afford to pay. The BIA also must establish, post and publicize a complaint procedure whereby Indian parents and others concerned are aware that they can appeal to the BIA if they feel that justice has not been rendered to them or their children under the new policy. The BIA also needs to establish a means for assuring itself that needy Indian school children in JOM-funded schools obtain the school meals they need and continue to do so.

APPENDIX

I. Outline of food programs sponsored or carried on by the Federal Government directly or through public or private agencies.

II. List of public schools or public school districts funded by the Bureau of Indian Affairs on the authority of the Johnson-O'Malley Act that were not participating in selected child nutrition programs on November 1970: name and address of public school or public school district, programs not participated in, name and address of the superintendent of education were known, and name and address of official in the state department of education with responsibility for administration of the programs.

Food Programs Carried on Under Federal Auspices

In order to obtain perspective on the food programs discussed in this handbook, a brief classification is presented below of all food and nutrition programs sponsored or carried on by the Federal government, directly or through State, county or local agencies, whether public or private. These programs can be classified under five broad headings:

I. Feeding in schools and dormitories operated by the Bureau of Indian Affairs (BIA) of the Department of the Interior.

II. Child nutrition programs for eligible public and private schools and welfare institutions. These programs include: National School Lunch, School Breakfast, Special Milk and Special Food Service for Children in Welfare Institutions. Several additional activities, while not child nutrition program in themselves, are intended to assist these institutions in carrying on such programs. These activities include: financial assistance for the purchase of necessary equipment; donation of foods, which are in surplus or are price support acquisitions or which are specially procured, to schools for lunch and breakfast programs, or to welfare institutions for meals; administrative and technical assistance

to state agencies, schools and institutions; and funding administrative expenses of state agencies for supervising and providing technical assistance for expansion of food programs.

III. Family food assistance (a) through the direct distribution of surplus foods or of price support acquisitions to families and institutions and (b) through the food stamp program.

IV. A miscellaneous group of programs which include a supplementary food program for selected categories of individuals, in kind or by voucher or certificate; emergency food (and medical services) for the malnourished poor; food service programs based on Title I of the Elementary and Secondary Education Act to educationally deprived children attending elementary and secondary schools; and demonstration projects to improve nutrition and health services in schools serving poor children. In addition, a food service component may be a part of a program designed to accomplish other ends, as, for example, in the Model Cities program which attempts to make a comprehensive attack on physical and social problems of the city; Headstart which is intended to assist poor children below the compulsory school

attendance age; Follow Through which provides comprehensive educational services for poor children in kindergarten through third grade; programs for children accompanying migratory agricultural workers; and the program of public education for handicapped children.

V. The expanded food and nutrition education program. It is not a food service program as such but is focussed on nutrition education to provide training and knowledge with the objective of maximizing the usefulness of Federal food programs to recipients. The Federal Government also finances pilot projects by states to improve methods and facilities for providing food service to children.

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Alaska	
Akutan School, Akutan 99553	NSLP and SBP
Atka School, c/o Adak Naval Station, P.O. Box 34, Adak 99695	NSLP and SBP
Chignik Lake School, Chignik 99565	NSLP and SBP
Chignik School, Chignik 99564	NSLP and SBP
Circle City School, Circle City 99733	NSLP and SBP
Craig City School, P.O. Box 166, Craig 99921	SBP
Eagle Village School, Eagle 99738	SBP
Egegik School, Egegik 99579	SBP
Ekwok School, Ekwok 99580	SBP
Klawock City School, P.O. Box 308, Klawock 99925	SBP
Kodiak Island Borough Schools, P.O. Box 886, Kodiak 99615	SBP
Levelock School, Levelock 99625	NSLP and SBP
Manokatak School, Manokatak 99628	SBP
Newhalen School, Iliamna 99606	NSLP and SBP
Nikolski School, Nikolski 99638	NSLP and SBP
Nondalton School, Nondalton 99640	SBP
Northway School, Northway 99764	SBP
Pilot Point School, Pilot Point 99649	NSLP and SBP
Rampart School, Rampart 99767	NSLP and SBP
Tanacross School, Tanacross 99776	SBP
Tatitlek School, Tatitlek 99677	NSLP and SBP
Togiak School, Togiak 99678	SBP
William E. Beltz Reg. High School, P.O. 10, Nome 99762	SBP

State of Alaska, Department of Education, Pouch F, Alaska Office Building, Juneau 99801

Mrs. Marge Dawes, School Food Coordinator Division of Administrative Services, State of Alaska, Department of Education, Pouch F, Alaska Office Building, Juneau 99801

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Arizona	
Alchesay High School, P.O. Box 188, Whiteriver 85941	SBP
Apache County High School Dist., P.O. Box 790, Springerville 85938	SBP
Camp Verde High School, P.O. Box 128, Camp Verde 86322	NSLP and SBP
Camp Verde School Dist. #28, P.O. Box 128, Camp Verde 86322	NSLP and SBP
Casa Grande U. High School, 420 E. Florence Blvd., Casa Grande 85228	SBP
Continental School Dist. #39, Tucson Nogales Star Rt., Amado 85640	SBP
Coolidge High School, 520 W. Lindbergh, Coolidge 85228	SBP
Coolidge School Dist. #21, 520 W. Lindbergh, Coolidge 85228	SBP
Crane School Dist. #19, 930 Avenue C, Yuma 85364	SBP
Eagar School Dist. #3, P.O. Box 108, Eager 85925	SBP
Ft. Thomas High School, P.O. Box 28, Ft. Thomas 85536	SBP
Ft. Thomas School Dist. #7, P.O. Box 28, Ft. Thomas 85536	SBP
Ganado School Dist. #19, P.O. Box 757, Ganado 86505	SBP
Gila Bend High School, P.O. Box V, Gila Bend 85337	SBP
Gila Bend School Dist. #24, P.O. Box V, Gila Bend 85337	SBP
Keams Canyon School Dist. #25, P.O. Box 367, Keams Canyon 86034	NSLP and SBP
McNary School Dist. #23, P.O. Box 598, McNary 85930	NSLP and SBP
Moccasin School Dist. #10, Moccasin 86022	NSLP and SBP
Mohave County U. High Sch. Dist., 515 W. Beale St., Kingman 86401	SBP
Navajo Compressor Station School Dist. #5, P.O. Box 847, Ganado 86505	NSLP and SBP
Northern Yuma County U. H. Sch. Dist., P.O. Box 1129, Parker 85344	SBP
Parker School Dist. #27, P.O. Box 1089, Parker 85344	SBP
Peach Springs School Dist. #8, P.O. Box 138, Peach Springs 86434	SBP
Pinal County Acc. School, Casa Grande Elem. #4, P.O. Box 769, Florence	SBP
Prescott High School, P.O. Box 1231, Prescott 86301	NSLP and SBP
Prescott School Dist. #1, P.O. Box 1231, Prescott 86301	SBP
Puerco School Dist. #18, P.O. Box 68, Sanders 86512	SBP

Name and Address of Public School or Public School District	Program Not Participating In
Rice School Dist. #20, P.O. Box 207, San Carlos 85500	SBP
Sacaton School Dist. #18, P.O. Box 98, Sacaton 85247	SBP
Somerton School Dist. #11, Fourth Ave., Somerton 85350	SBP
Stanfield School Dist. #24, P.O. Box 578, Stanfield 85272	SBP
Sunnyside High School, P.O. Box 11280, Tucson 85706	NSLP and SBP
Tolleson U. High School, 9419 W. Van Buren St., Tolleson 85353	SBP
Union School Dist. #62, Rt. 1, Box 194, Tolleson 85353	SBP
Valentine School Dist. #22, P.O. Box 32, Valentine 86437	NSLP and SBP
Whiteriver School Dist. #20, P.O. Box 188, Whiteriver 85941	SBP
Young School Dist. #5, P.O. Box 188, Whiteriver 85941	SBP

W.P. Shofstall, Superintendent, Arizona Department of Education, 700 W. Campbell, Phoenix, Arizona 85013

Arthur A. Borselli, Director, Food and Nutrition Division, Arizona Department of Education, 700 W. Campbell, Suite 17, Phoenix, Arixona 85013

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Florida	
Boulevard Heights Elem. School, 7201 Johnson St., Hollywood 33024	SBP
District School Board of Hendry Co., P.O. Box 638, Clewiston 33440	SBP
Driftwood Jr. High, 2751 N.W. 70th Way, Hollywood 33024	SBP
Hollywood Hills High School, 5400 Stirling Rd., Hollywood 33021	SBP
Immokalee High School, 502 N. Ninth St., Immokalee 33934	SBP
Moore Haven Public Schools, Moore Haven 33471	SBP
Stirling Elem. School, 3980 S.W. 60th St., Ft. Lauderdale	SBP

Floyd T. Christian, Commissioner, State of Florida, Department of Education, Tallahassee 32304

Mrs. Thelma G. Flanagan, Administrator, Food and Nutrition Services, State of Florida, Department of Education, Tallahassee 32304

Idaho	
Jt. School Dist. #171, Box 789, Orofina 83544	SBP
Jt. School Dist. #241, 714 Jefferson St., Grangeville 83530	SBP
Jt. School Dist. #304, Box 877, Kamiah 83536	NSLP and SBP
Jt. School Dist. #305, P.O. Box 127, Craigmont 83523	SBP
Jt. School Dist. #342, Culdesac 83524	SBP
Jt. School Dist. #365, Box 8, Grand View 83624	SBP
Jt. School Dist. #381, 827 Fort Hall Ave., American Falls 83211	SBP
School Dist. #25, P.O. Box 1766, 3115 Pole Line Rd., Pocatello 83201	SBP
School Dist. #42, Plummer 83851	SBP
School Dist. #55, 440 West Judicial, Blackfoot 83221	SBP
School Dist. #101, Box 899, Bonners Ferry 83805	SBP
School Dist. #275, Box 98, Worley 83876	SBP
School Dist. #291, Box 790, Salmon 83467	SBP
School Dist. #341, Lapwai 83540	SBP

D.F. Engelking, State Superintendent of Public Instruction, State of Idaho Department of Education, Idaho State Office Building, Boise, Idaho 83707

Cecil F. Olsen, School Lunch Director, State of Idaho Department of Education, Idaho State Office Building, Boise, Idaho 83707

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Iowa	
South Tama County Community School Dist., Tama 52339	SBP

Paul E. Johnston, State Superintendent, State of Iowa Department of Public Instruction, Grimes State Office Building, Des Moines, Iowa 50319

Miss Vera Carpenter, Chief, School Food Services, State of Iowa Department of Public Instruction, Grimes State Office Building, Des Moines, Iowa 50319

Kansas	
Powhatten Grade and High School	SBP
Mayetta Grade and High School	SBP

Kansas State Department of Education, Kansas State Education Building, 120 East 10th St., Topeka, Kansas 66612

Miss Ruby Scholz, Director, School Lunch Section, Division of Administrative Services, Kansas State Department of Education, Kansas State Education Building, 120 East 10th St., Topeka, Kansas 66612

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Minnesota	
Bagley Public School, Bagley 56621	SBP
Bishop Whipple Elementary, Morton 56270	SBP
Brookston-Albrook Public School, Duluth 55802	SBP
Cass Lake Public School, Cass Lake 86633	SBP
Carlton Public School, Carlton 55718	SBP
Deer River Public School, Deer River 56636	SBP
Fosston Public School, Fosston 55072	SBP
Grand Portage Elementary School, Grand Portage 55605	SBP
Grand Rapids Public School, Grand Rapids 55744	SBP
Granite Falls Public School, Granite Falls 56214	SBP
Isle Public School, Isle 56342	SBP
Mahnomen Public School, Mahnomen 56557	SBP
McGregor Public School, McGregor 55760	SBP
Naytahwaush Elementary School, Naytahwaush 56266	SBP
Nett Lake Elementary, Nett Lake 55772	SBP
Pine Point Elementary School, Ponsford 56575	SBP
Redlake Public School, Redlake 56671	SBP
Red Wing School, Red Wing 55066	SBP
Remer Public School, Remer 56672	SBP
Sandstone Public School, Sandstone 55072	SBP
Tower Public School, Tower 55790	SBP
Vineland Elementary School, Onamia 56359	SBP
Walker Public School, Walker 56484	SBP
White Earth School, White Earth 56591	SBP

State of Minnesota Department of Education, Capitol Square Building, 550 Cedar St., St. Paul, Minnesota 55101

Charles L. Matthew, Director, School Lunch Section, State of Minnesota Department of Education, Capitol Square Building, 550 Cedar St., St. Paul, Minnesota 55101

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Montana	
Arlee School Dist. #8, Arlee 59821	SBP
Box Elder School Dist. #13, Box Elder 59521	SBP
Charlo School Dist. #7, Charlo 59824	SBP
Dixon School Dist. #9, Dixon 59831	SBP
Edgar School Dist. #4, Edgar 59026	SBP
Harlem School Dist. #12, Harlem 59526	SBP
Havre School Dist. #16, Havre 59501	SBP
Hot Springs School Dist. #14, Hot Springs 59845	SBP
Polson School Dist. #23, Polson 59860	SBP
Poplar School Dist. #9, Poplar 59255	SBP
Ronan School Dist. #30, Ronan 59864	SBP
Wolf Point School Dist. #45, Wolf Point 59201	SBP

Delores Colburg, Superintendent of Public Instruction, state of Montana, Office of the State Superintendent, Helena, Montana 59601

H. Bresbin Skiles, Supervisor, School Food Services Program, State of Montana, Office of the State Superintendent, Helena, Montana 59601

Nebraska	
Gordon School Dist. #1, 810 North Oak St., Gordon 69343	SBP
Niobrara School Dist. #1-R, Niobrara 68760	SBP
Santee Public School Dist. #C-5, Niobrara 68760	SBP

Cecil E. Stanley, Commissioner of Education, State of Nebraska Department of Education, 233 South 10th St., Lincoln, Nebraska 68508

Allen A. Elliott, Program Administrator, School Food Services, State of Nebraska Department of Education, 233 South 10th St., Lincoln, Nebraska 68508

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Nevada	
Churchill County School Dist., 545 E. Richards St., Fallon	SBP
Clark County School Dist., 2832 E. Flamingo Rd., Las Vegas	SBP
Clark County School Dist., 2832 E. Flamingo Rd., Las Vegas	NSLP
Luncheteria-Clark Co. Sch. Dist., 2832 W. Flamingo Rd., Las Vegas 1/	NSLP and SBP
Douglas County School Dist., P.O. Box 157, Gardnerville	SBP
Elko County School Dist., P.O. Box 1012, Elko	SBP
Humboldt County School Dist., P.O. Box 1070, Winnemucca	SBP
Lyon County School Dist., P.O. Box GG, Yerington	SBP
Mineral County School Dist., P.O. Box 1547, Hawthorne	SBP
Nye County School Dist., P.O. Box 113, Tonopah	SBP
Ormsby County (Carson City) School Dist., P.O. Box 603, Carson City	SBP
Pershing County School Dist., P.O. Box 389, Lovelock	SBP
Washoe County School Dist., 425 E. 9th St., Reno	SBP
White Pine School Dist., P.O. Box 400, East Fly	SBP

1/ Luncheterias are defined by the Supervisor of Food Services as secondary schools which participated in the Special Milk Supplement Program only.

Burnell Larson, Superintendent of Public Instruction, State of Nevada Department of Education, Carson City, Nevada 89701

Miss Eleanor Bateman, Supervisor of Food Services, Division of Administrative Services, State of Nevada Department of Education, Carson City, Nevada 89701

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
New Mexico	
Bernalillo Public Schools, Box 128, Barnalillo 87004	SBP
Bloomfield Public Schools, Bloomfield	SBP
Central Consolidated Schools, Box 848, Kirtland 87417	SBP
Dulce Public Schools, Dulce 87528	SBP
Espanola Municipal School, Box 249, Espanola 87532	SBP
Farmington Public Schools, Box 660, Farmington 87401	SBP
Gallop-McKinley County Schools, Box 1318, Gallup 87301	SBP
Jemez Valley Schools, Canyon Route Box 4A, Jemez Pueblo	SBP
Los Lunas Public Schools, Box 298, Los Lunas 87031	SBP
Pajoaque Public Schools, P.O. Drawer P, Santa Fe 87501	SBP
Penasco Public Schools, Box 18, Penasco	SBP
Ruidoso Public Schools, Drawer 430, Ruidoso 88345	SBP
Taos Public Schools, Box 1277, Taos	SBP
Tularosa Public Schools, 102 Mescalero Rd., Tularosa 88352	SBP

Leonard J. De Layo, Superintendent of Public Instruction, State of New Mexico Department of Education, Capitol Building, Santa Fe, New Mexico 87501

Mrs. Gretchen Plagge, Director, School Food Services Division, State of New Mexico Department of Education, Capitol Building, Santa Fe, New Mexico 87501

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
North Dakota	
Aberon School Dist. #16	SBP
Bismarck School Dist. #1	SBP
Bottineau School Dist. #1	SBP
Devils Lake School Dist. #1	SBP
Dunseith School Dist. #1	SBP
Gosse Camp	SBP
Holliday School Dist. #19	SBP
Hope School Dist. #10	SBP
Maddock Dist. #9	SBP
Minot School Dist. #1	SBP
Mt. Pleasant School Dist. #4	SBP
New School Dist.	NSLP and SBP
New Town School Dist. #1	SBP
Parshall School Dist. #3	SBP
Rolette School Dist. #29	SBP
Sawyer School Dist. #16	SBP
Selfudge School Dist. #8	SBP
Slaston School Dist. #22	SBP
St. John School Dist. #3	SBP
Treston School Dist. #6	SBP
Warwick School Dist. #29	SBP
Watford City School Dist. #1	SBP
Williston School Dist. #1	SBP

M.F. Peterson, Superintendent, The State of North Dakota Department of Public Instruction, Bismarck, North Dakota 58501

Mrs. Ethel Heising, Director, School Food Services, The State of North Dakota Department of Public Instruction, Bismarck, North Dakota 58501

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Oklahoma	
Achille, Box 308, Achille 74720	SBP
Ahlaso, Rt. 4, Ada 74820	SBP
Allen, Box 158, Allen 74825	SBP
Anadarko, Box 338, Anadarko 73005	SBP
Apache, Box 354, Apache 73006	SBP
Ataka, 202 W. 1st, Ataka 74525	SBP
Bakashe, Bakashe 74930	SBP
Bakchito, Box 308, Bakchito 74726	SBP
Basewell, Box F, Basewell 74727	SBP
Battiest, Box 57, Battiest 74722	SBP
Bearden, Box 207, Bearden 74828	SBP
Belfonte, Sallisaw 74955	SBP
Bennington, Box 515, Bennington 74723	SBP
Bentley, Box 15, Bentley 74527	SBP
Berryhill, 3128 S. 63rd, West Tulsa 74107	SBP
Bethel, Rt. 4, Shawnee 74801	SBP
Big Pasture, Randlett 73562	SBP
Bowlegs, Box 88, Bowlegs 74830	SBP
Braggs, Braggs 74423	SBP
Bristow, 134 W. 9th, Bristow 74010	SBP
Broken Bow, Broken Bow 74728	SBP
Brushy, Rt. 2, Sallisaw 74955	SBP

Name and Address of Public School or Public School District	Program Not Participating In
Buffalo Valley, Rt. 2, Talihina 74571	SBP
Butler, Box 127, Butler 73625	SBP
Butner, Box 70, Cromwell 74837	SBP
Cache, Box 418, Cache 73527	SBP
Caddo, Caddo 74729	SBP
Calbert, Box 310, Calbert 74733	SBP
Calumet, Box 10, Calumet 73014	SBP
Calvin, Box 127, Calvin 74531	SBP
Canadian, Canadian 74425	SBP
Caney, Caney 74533	SBP
Canton, Canton 73724	SBP
Canute, Box 128, Canute 73626	SBP
Castle, Box 198, Castle 74833	SBP
Centrahoma, Centrahoma 74534	SBP
Chattanooga, Box 218, Chattanooga 73528	SBP
Chicatah, Chicatah 74426	SBP
Choctaw, Box 249, Choctaw 73020	SBP
Clayton, Box 98, Clayton 74536	SBP
Coalgate, Box 368, Coalgate 74538	SBP
Connerville, Connerville 74836	SBP
Coopertan, Box 8, Coopertan 73023	SBP
Copan, Copan 74022	SBP
Cottonwood, Box 347, Coalgate 74538	SBP
Crowder, Box B, Crowder 74430	SBP
Custer, Box 48, Custer City 73639	SBP

Name and Address of Public School or Public School District	Program Not Participating In
Dahlonegah, Rt. 1, Stilwell 74960	SBP
Dale, Box 748, Dale 74838	SBP
Darlington, Rt. 3, El Reno 73036	SBP
Davis, 400 E. Atlanta, Davis 73030	SBP
Dennison, 506 S.E. Ave. F, Idabel 74745	SBP
Depew, Box 257, Depew 74028	SBP
Dickson, Rt. 1, Ardmare 73401	SBP
Dustin, Box 248, Dustin 74839	SBP
Eagletown, Box 38, Eagletown 74734	SBP
Earlsboro, Box 95, Earlsboro 74840	SBP
Eufaula, Box 422, Eufaula 74432	SBP
Falls, Box 77, Norman 73069	SBP
Faxon, Rt. 1, Faxon 73540	SBP
Fillmore, Box 2, Fillmore 73434	SBP
Forest Grove, Rt. 1, Box 151, Garvin 74736	SBP
Fort Cable, Fort Cable 73038	SBP
Foyil, Box 49, Foyil 74031	SBP
Ft. Towson, Box 128, Ft. Towson 74735	SBP
Gatelia, Box 68, Gatelia 73041	SBP
Geary, Box 188, Geary 73040	SBP
Geronimo, Box 98, Geronimo 73543	SBP
Goodland, Goodland Route, Hugo 74743	SBP
Gore and Carlile, Box 285, Gore 74435	SBP
Graham, Rt. 1, Welutka 74880	SBP
Grant, Grant 74738	SBP

Oklahoma (cont'd)

Name and Address of Public School or Public School District	Program Not Participating In
Greasy, Rt. 1, Stilwell 74960	SBP
Grove, Box 550, Grove 74344	SBP
Grove, Rt. 3, Shawnee 74801	SBP
Gypsy, Rt. 1, Depew 74028	SBP
Hammon, Hammon 73650	SBP
Hanna, Hanna 74845	SBP
Harmony, Rt. 2, Ataka 74525	SBP
Hartshorne, Hartshorne 74547	SBP
Haurarth, 702 S.W. Van Buren, Idabel 74740	SBP
Haywood, Haywood 74548	SBP
Henryetta, Box 130, Henryetta 74437	SBP
Holdenville, Box 977, Holdenville 74848	SBP
Holly Creek, Rt. 2, Box 148, Broken Bow 74728	SBP
Hominy, Box 400, Hominy 74035	SBP
Hulbert, Box 125, Hulbert 74441	SBP
Idabel, Box 310, Idabel 74745	SBP
Indiahoma, Box 8, Indiahoma 73552	SBP
Jones, Box C, Jones 73049	SBP
Joy, Joy 74346	SBP
Justice, Rt. 1, Wenioka 74884	SBP
Justus, Box 864, Claremore 74017	SBP
Kansas, Kansas 73447	SBP
Kaw City, Box 158, Kaw City 74641	SBP

Name and Address of Public School or Public School District	Program Not Participating In
Kellyville, Box 207, Kellyville 74039	SBP
Kenwood, Leach 74351	SBP
Keota, Keota 74941	SBP
Keys, Loop Rt., Tahlequah 74464	SBP
Kiefer, Box 428, Kiefer 74041	SBP
Kingfisher, Box 16, Kingfisher 73750	SBP
Kingston, Box 128, Kingston 73439	SBP
Kinta, Box 219, Kinta 74552	SBP
Kiowa, Box 38, Kiowa 74553	SBP
Lane, Box 31, Lane 74555	SBP
Latta, Rt. 1, Ada 74820	SBP
Leach, Kansas 74347	SBP
Lebanon, Rt. 1, Madill 73446	SBP
LeFlore, LeFlore 74951	SBP
Lehigh, Box 213, Lehigh 74556	SBP
Locust Grove, Box 68, Locust Grove 74352	SBP
Lone Star, Rt. 2, Sapulpa 74066	SBP
Lukfata, Rt. 1, Box 170A, Broken Bow 74728	SBP
Madill, Madill 73446	SBP
Mannsville, Box 68, Mannsville 73447	SBP
Marble City, Rt. 1, Sallisaw 74955	SBP
Marietta, Box 289, Marietta 73448	SBP
Mason, Mason 74853	SBP
Mass & Lamar, Rt. 2, Holdenville 74848	SBP
Maud, Box 130, Maud 74854	SBP

Name and Address of Public School or Public School District	Program Not Participating In
Maysville, Box 735, Maysville 73057	SBP
McCard, Rt. 3, Ponca City 74601	SBP
McLish, Box 37, Fittstown 74842	SBP
Meeker, Meeker 74855	SBP
Mill Creek, Mill Creek 74856	SBP
Morris, Box 1, Morris 74445	SBP
Mounds, Box 128, Mounds 74047	SBP
Mt. View, Mountain View 73062	SBP
Muldrow, Drawer H. Muldrow 74948	SBP
Navajo, Rt. 2, Altus 73521	SBP
New Lima, New Lima 74858	SBP
Noble, Box 433, Noble 73068	SBP
Panama, Box 655, Panama 74951	SBP
Porum, Box 188, Porum 74455	SBP
Peggs, Peggs 74452	SBP
Perkins, Box 370, Perkins 74059	SBP
Perry, Perry 73077	SBP
Pittsburg, Pittsburg 74560	SBP
Plainview, Rt. 2, Box 316, Ardmore 73401	SBP
Ponca City School District 1-71, Kay County	SBP
Poteau, 300 N. Walker, Poteau 74953	SBP
Quapaw, Box 647, Quapaw 74363	SBP
Quinton City, Quinton 74561	SBP
Oak Grove, Rt. 2, Cushing 74023	SBP
Okemah, Box 186, Okemah 74859	SBP
Oktaha, Box 746, Oktaha 74450	SBP

Name and Address of Public School or Public School District	Program Not Participating In
Olive, Rt. 1, Drumright 74030	SBP
Olney, Rt. 5, Coalgate 74538	SBP
Owen, 409 S. State, Tahlequah 74464	SBP
Ramona and Ochelata, Box 215, Ochelata 74051	SBP
Rattan, Box 44, Rattan 74562	SBP
Red Oak, Box 37, Red Oak 74563	SBP
Ripley, Box 65, Ripley 74062	SBP
Riverside, Rt. 3, El Reno 73036	SBP
Rocky Mountain, Rt. 4, Stilwell 74960	SBP
Roff, Box 157, Roff 74865	SBP
Roland, Roland 74954	SBP
Ryal, Rt. 2, Henryetta 74437	SBP
Sallisaw, Box 511, Sallisaw 74955	SBP
Sapulpa, 1 South Mission, Sapulpa 74066	SBP
Sarianna, Sarianna 74565	SBP
Schulter, Box 1, Schulter 74460	SBP
Seiling, Box 425, Seiling 73663	SBP
Seminole, Box 1031, Seminole 74868	SBP
Sequoyah, Rt. 3, Box 134, Claremore 74017	SBP
Shady Grove, 821 Quinn, Tahlequah 74464	SBP
Shamrock, Shamrock 74068	SBP
Shidler, Box 85, Shidler 74652	SBP
Skelly Holland, 310 S. Gate, Tahlequah 74464	SBP
Smithville, Box 36, Smithville 74957	SBP
South Rock Creek, Rt. 4, Box 297-B, Shawnee 74801	SBP

Name and Address of Public School or Public School District	Program Not Participating In
Sterling, Box 158, Sterling 73567	SBP
Stidham, Stidham 74461	SBP
Stigler, Box 409, Stigler 74462	SBP
Stonewall, Box 365, Stonewall 74871	SBP
Strang, Strang 74367	SBP
Stroud, Box 569, Stroud 74079	SBP
Tahlequah, Box 517, Tahlequah 74464	SBP
Talihina, Box 524, Talihina 74571	SBP
Thackerville, Box 235, Thackerville 73459	SBP
Thomas and Fay, Box 190, Thomas 73669	SBP
Tishomingo, Box 548, Tishomingo 73460	SBP
Tupelo, Tupelo 74572	SBP
Turner, Burneyville 73430	SBP
Tushka, Tushka 74573	SBP
Tuskahoma, Box 97, Tuskahoma 74574	SBP
Valliant, Box 408, Valliant 74764	SBP
Vanass, Vanass 74876	SBP
Varnum, Rt. 3, Seminole 74868	SBP
Wagoner, Box 707, Wagoner 74467	SBP
Walters, Box 37, Walters 73572	SBP
Wapanucka, Box 88, Wapanucka 73461	SBP
Washita Heights, Corn 73024	SBP
Watonga, Watonga 73772	SBP
Watson, Watson	SBP
Wayne, Box 40, Wayne 73095	SBP

Oklahoma (cont'd)

Name and Address of Public School or Public School District	Program Not Participating In
Weatherford, 516 N. Broadway, Weatherford 73096	SBP
Weaver, Rt. 1, Frederick 73542	SBP
Wheatley-Beggs Sch. Dist. #1-4, Okmulgee County	SBP
Wenioka, Box 870, Wenioka 74884	SBP
Westville, Box 16, Westville 74965	SBP
Wetumka, 309 S. Canadian, Wetumka 74883	SBP
White Oak, Rt. 4, Vinita 74301	SBP
Wickliffe, Rt. 1, Salina 74365	SBP
Wilburton, 301 W. Caddo, Wilburton 74578	SBP
Webburs Falls, Webburs Falls 74470	SBP
Wilson, Rt. 1, Box 260, Henryetta 74437	SBP
Wright City, Box 329, Wright City 74766	SBP
Wynnewood, 702 E. Robert S. Kerr Blvd., Wynnewood 73098	SBP
Yeager, Box 153, Yeager 74885	SBP
Zion, Rt. 1, Stilwell 74960	SBP

Leslie R. Fisher, Superintendent, Oklahoma State Department of Education, Oklahoma City, Oklahoma 73105

Al Jennings, Administrator, School Lunch Section (Oklahoma) State Department of Education, Oklahoma City, Oklahoma 73105

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
South Dakota	
Bennett County High School, Martin Grade, Martin 57551	SBP
Bonesteel School Dist., Bonesteel 57317	SBP
Eagle Butte School Dist., Ridgeview, Eagle Butte 57625	SBP
Elvira School Dist., Gann Valley, Wessington Springs 57341	SBP
Flandreau School Dist., Flandreau 57028	SBP
Gregory School Dist., Gregory 57533	SBP
Isabel School Dist., Isabel 57633	SBP
Martin Common School Dist. #2, Martin 57551	SBP
McIntosh School Dist . McIntosh 57641	SBP
McLaughlin School Dist., McLaughlin 57642	SBP
Sisseton School Dist., Sisseton 57262	SBP
Summit School Dist., Summit 57266	SBP
Timber Lake School Dist., Timber Lake 57656	SBP
Veblen School Dist., Veblen 57270	SBP
Wilmot School Dist., Wilmot 57279	SBP
Winner School Dist., Winner 57580	SBP

Don Barnhart, State Superintendent, State of South Dakota Department of Public Instruction, Pierre, South Dakota 57501

Martin Sorenson, Director, School Food Services, State of South Dakota Department of Public Instruction, Pierre, South Dakota 57501

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Washington	
Coulee Dam School Dist. #401, Coulee Dam 99116	SBP
Ferndale School Dist. #502, Box 698, Ferndale 98248	SBP
Granger School Dist. #204, Box 400, Granger 98932	SBP
Hood Canal School Dist. #404, Star Rt. 1, Box 149B, Shelton 98584	SBP
Inchelium School Dist. #70, Box 127, Inchelium 99138	SBP
Klickitat School Dist. #402, Box 37, Klickitat 98628	NSLP and SBP
La Conner School Dist. #311, Box D, La Conner 98257	SBP
Mt. Adams School Dist. #209, Box 291, White Swan 98952	SBP
Mt. Baker School Dist. #507, Deming 98244	SBP
Nooksack Valley School Dist. #506, Nooksack 98276	SBP
North Beach School Dist. #64, Moclips 98562	SBP
North Kitsap School Dist. #64, Box 68, Poulsbo 98370	SBP
Oakville School Dist. #400, Oakville 98568	SBP
Port Angeles School Dist., #21, 216 E. 4th, Port Angeles 98362	NSLP and SBP
Taholah School Dist. #77, Taholah 98587	SBP
Toledo School Dist. #237, Toledo 98587	SBP
Toppenish School Dist. #202, 106 Franklin Ave., Toppenish 98948	SBP
Wapato School Dist. #207, Box 4571, Wapato 98951	SBP
Yelm School Dist. #2, Box 98, Yelm 98579	SBP

Louis Bruno, State Superintendent, State of Washington, Superintendent of Public Instruction, P.O. Box 527, Olympia, Washington 98501

Mrs. Ena Simpson, Supervisor, Food Services, State of Washington, Superintendent of Public Instruction, P.O. Box 527, Olympia, Washington 98501

Public schools or public school districts funded on the authority of the Johnson O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Wisconsin	
Ashland Public Schools	SBP
Black River Falls Public Schools	SBP
Bowler Public Schools	SBP
Cumberland Public Schools	SBP
Flambeau Elementary School, Lac du	SBP
Freedom Public Schools	SBP
Hayward School	SBP
Holmen School	SBP
Lakeland Union High School	SBP
Milltown Public Schools, Balsam	SBP
Neillsville Public Schools	SBP
Pulaski Public Schools	SBP
Seymour Public Schools	SBP
Siren Public Schools	SBP
Wageno Public Schools	SBP
Webster Public Schools	SBP
West DePere Public Schools	SBP
Winter Public Schools	SBP
Wisconsin Dells Public Schools	SBP
Wittenberg Public Schools	SBP

William C. Kahl, State Superintendent, State of Wisconson Department of Public Instruction, Wisconsin Hall, 126 Langdon State, Madison, Wisconsin 53702

Edward J. Post, Administrator, School Food Services Programs, Division of Field Services to Local Schools, State of Wisconsin, Department of Public Instruction, Wisconsin Hall, 126 Langdon St., Madison, Wisconsin 53702

Public schools or public school districts funded on the authority of the Johnson-O'Malley Act that were not participating in the National School Lunch program (NSLP) or the School Breakfast program (SBP) as of November 1970.

Name and Address of Public School or Public School District	Program Not Participating In
Wyoming	
School District #12, Hot Springs County, Hamilton Dome 1/	SBP

Robert G. Schrader, State Superintendent, The State of Wyoming, Department of Education, Capitol Building, Cheyenne, Wyoming 82001

Sidney C. Werner, Assistant Superintendent Business and Finance, The State of Wyoming Department of Education, Capitol Building, Cheyenne, Wyoming 82001

1/ Johnson-O'Malley funds were used in the school in 1969 but none were used in 1970.